

CIVIL RIGHTS

HEARINGS BEFORE SUBCOMMITTEE NO. 2 OF THE COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH CONGRESS

FIRST SESSION

ON

H. R. 389, 3688, 51, 702, 259, 3304, 3480, 3563, 3575,
3578, 5345, 3387, 3421, 3474, 3566, 3580, 5349, 258,
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5343, 3391, 3478, 3571, 3583, 3418, 5350, 628, 3394,
3420, 3481, 3567, 3581, 5344, and 5503

MISCELLANEOUS BILLS REGARDING THE CIVIL RIGHTS
OF PERSONS WITHIN THE JURISDICTION OF
THE UNITED STATES

JULY 13, 14, AND 27, 1955

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CIVIL RIGHTS

WEDNESDAY, JULY 13, 1955

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 2 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10 a. m., Hon. Thomas J. Lane (chairman) presiding.

Mr. LANE. The committee will please come to order.

Today we begin hearings on civil-rights bills. A great deal of interest has been shown in this legislation. It is our purpose to afford all interested persons the opportunity to present their views. Our plan is to hold hearings today and tomorrow and again on Wednesday, July 27.

Today we are to hear the authors of these various bills. The interested executive departments have been invited to appear and testify tomorrow. On Wednesday, July 27, further testimony will be taken from other interested parties.

Most of you know there has been a great deal of interest in this kind of legislation before the subcommittee. Normally we do not program legislation for hearings until reports from the executive departments and independent agencies have been received. Most of the reports are not yet in on these bills. And, by the way, there are 51 bills being considered by the committee. However, in order to accommodate those who have exhibited a great deal of interest in these bills, we have decided to begin public hearings on them in this session.

In addition to the lack of departmental reports on these various bills, the heavy workload of this subcommittee, and the work load on the full Judiciary Committee has militated against any earlier consideration of these bills. Thus far, this session, this subcommittee has held hearings and taken action on at least 245 pieces of legislation. These include the claim of some \$60 million growing out of the Texas City disaster and various other important claims bills. It has been found necessary to meet not only on our regular Wednesday meeting day but we have often been forced to meet two and three, and more, times per week. And, in addition, the full Judiciary Committee has been extremely active. We are honored in having the chairman of the full Judiciary Committee here this morning to be our first witness.

About half of the bills introduced in the House are referred to this Judiciary Committee. I have no doubt we are in a position to carefully consider all bills which are referred to us. My point is that the heavy workload militates against programming legislation before completing the staff work, and before receiving departmental reports.

The bills we are considering today cover many aspects of Federal protection of civil rights. Among the proposals to be considered are the following: The creation of Fair Employment Practice Commission to eliminate racial and other discriminations in employment, prohibitions against racial and other discriminations in federally supported housing, federally supported education, interstate transportation, and the armed services, prohibition on interference with the right to vote and other rights, privileges and immunities secured by the Constitution or laws of the United States, and antilynching, antipoll tax, and antipeonage legislation.

Other bills would create a joint congressional committee on civil rights and establish a Federal commission to gather information concerning the protection of civil rights in the United States and report annually to the President. In addition there are proposals to reorganize the Department of Justice by providing an additional Assistant Attorney General to head a civil-rights division and to authorize additional FBI personnel to enforce civil-rights legislation.

Now, for the first witness we have before us this morning, and of course it gives us a great honor and a high privilege, to have him as a witness because he is the chairman of our full committee. I know of no other chairman of any committee in the Congress who works harder and longer than does the chairman of our Judiciary Committee. Of course, we are pleased and we are happy to have him; we always welcome his presence and are glad to have his recommendations or any suggestions that he may have for the committee. As our first witness I give you Congressman Emanuel Celler.

At this point, the civil rights bills will be inserted in the record.

(The bills referred to follow:)

[H. R. 389, 84th Cong, 1st sess.]

A BILL To provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and parts according to the following table of contents, may be cited as the "Civil Rights Act of 1955"

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TITLE I—PROVISIONS TO STRENGTHEN THE FEDERAL GOVERNMENT MACHINERY FOR THE PROTECTION OF CIVIL RIGHTS

- Part 1 Establishment of a commission on civil rights in the executive branch of the Government.
- Part 2. Reorganization of civil-rights activities of the Department of Justice.

TITLE II—PROVISIONS TO STRENGTHEN PROTECTION OF THE INDIVIDUAL'S RIGHTS TO LIBERTY, SECURITY, CITIZENSHIP, AND ITS PRIVILEGES

- Part 1. Amendments and supplements to existing civil-rights statutes.
- Part 2. Protection of right to political participation
- Part 3. Prohibition against discrimination or segregation in interstate transportation.
- Part 4. Protection of persons from lynching.
- Part 5. Prohibition of discrimination in employment.
- Part 6. Prohibition against discrimination and segregation in housing.
- Part 7. Prohibition against discrimination in education.

SEC. 2. (a) The Congress hereby finds that, despite the continuing progress of our Nation with respect to protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States have long been and still are being denied, abridged, or threatened by the conduct of both Government officials and private persons, and particularly by the nonfeasance and misfeasance of public officials in many States in failing to protect the civil rights of Negro inhabitants, and that such infringements upon the American principle

of freedom and equality endanger our form of government and are destructive of the basic doctrine of the integrity and dignity of the individual upon which this Nation was founded. The Congress recognizes that it is essential to the national security and the general welfare that this gap between principle and practice be closed; and that more adequate protection of the civil rights of individuals must be provided to preserve our American heritage, halt the undermining of our constitutional guaranties, and prevent serious damage to our moral, social, economic, and political life.

(b) The Congress therefore declares that it is its purpose to strengthen and secure the civil rights of the people of the United States under the Constitution against interference by the conduct of both Government officials and private persons, and that it is the national policy to protect the right of the individual to be free from discrimination based upon race, color, religion, or national origin.

(c) The Congress further declares that the succeeding provisions of this Act are necessary for the following purposes:

(i) To insure the more complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States, and to enforce the provisions of the Constitution.

(ii) To safeguard to the several States and Territories of the United States a republican form of government from the lawless conduct of persons threatening to destroy the several systems of public criminal justice and frustrate the functioning thereof through duly constituted officials.

(iii) To promote and enforce universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race or religion, in accordance with the undertaking of the United States under the United Nations Charter, and to further the national policy in that regard by securing to all persons under the jurisdiction of the United States effective recognition of certain of the rights and freedoms proclaimed by the General Assembly of the United Nations in the Universal Declaration of Human Rights.

(d) To the end that these policies may be effectively carried out by a positive program of Federal action the provisions of this Act are enacted.

SEC. 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 4 There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

TITLE I—PROVISIONS TO STRENGTHEN THE FEDERAL GOVERNMENT MACHINERY FOR THE PROTECTION OF CIVIL RIGHTS

PART 1—ESTABLISHMENT OF A COMMISSION ON CIVIL RIGHTS IN THE EXECUTIVE BRANCH OF THE GOVERNMENT

SEC. 101. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the President by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC. 102. It shall be the duty and function of the Commission to gather timely and authoritative information concerning social and legal developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights; and to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil

rights The Commission shall make an annual report to the President on its findings and recommendations, and it may in addition from time to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil rights matter.

SEC. 103. (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) The Commission shall have authority to accept and utilize services of voluntary and uncompensated personnel and to pay any such personnel actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at the rate not in excess of \$10.)

(c) Within the limitations of its appropriations, the Commission shall appoint a full-time staff director and such other full-time personnel as is necessary to its proper functioning, to secure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

PART 2—REORGANIZATION OF CIVIL RIGHTS ACTIVITIES OF THE DEPARTMENT OF JUSTICE

SEC. 111. There shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States. The Civil Rights Division shall have attached to it, and under its direction, an investigating staff whose function it shall be to investigate all civil-rights cases under applicable Federal law.

TITLE II—PROVISIONS TO STRENGTHEN PROTECTION OF THE INDIVIDUAL'S RIGHTS TO LIBERTY, SECURITY, CITIZENSHIP AND ITS PRIVILEGES

PART 1—AMENDMENTS AND SUPPLEMENTS TO EXISTING CIVIL-RIGHTS STATUTES

SEC. 201. Title 18, United States Code, section 241, is amended to read as follows:

"SEC. 241. (a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 or imprisoned not more than ten years, or both, or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) The rights, privileges, and immunities referred to in this section shall be deemed to include, but shall not be limited to, the following:

"(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law

"(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial wherein the charged person or persons shall be represented by counsel and upon conviction and sentence pursuant to due process of law

"(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses

"(4) The right to be free of illegal restraint of the person

"(5) The right to protection of person and property without discrimination by reason of race, color, religion, national origin or ancestry.

"(6) The right to vote as protected by Federal law

"(d) Any person or persons violating the provisions of subsections (a) and (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States."

SEC. 202. Title 18, United States Code, section 242, is amended to read as follows:

"SEC. 242. Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his race, color, religion, national origin or ancestry, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged."

SEC. 203. Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

"SEC. 242A. The rights, privileges, and immunities referred to in title 18, United States Code, section 242, shall be deemed to include, but shall not be limited to, the following:

"(1) The rights, privileges, and immunities referred to in section 241c, title 18, United States Code.

"(2) The right to secure and engage in any employment, to conduct business, commerce or professional activities, to be entitled to attend school, to utilize public accommodations, to secure, own and live in a home or apartment and otherwise to the full opportunity and freedom to engage in all lawful, social, commercial, educational, political, and entertaining activities without discrimination by reason of race, color, religion, national origin or ancestry."

SEC. 204. Title 18, United States Code, section 1583, is amended to read as follows:

"SEC. 1583. Whoever holds or kidnaps or carries away any other person, or attempts to hold, kidnap, or carry away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave; or whoever entices, persuades, or induces, or attempts to entice, persuade, or induce any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he may be made a slave or held in involuntary servitude, shall be fined not more than \$5,000, or imprisoned not more than five years, or both."

PART 2—PROTECTION OF RIGHT TO POLITICAL PARTICIPATION

SEC. 211. Title 18, United States Code, section 594, is amended to read as follows:

"SEC. 594. (a) Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to qualify to vote, to vote, or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegates or Commissioners

from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

"(b) Whoever, because of the race, color, religion, national origin, or ancestry of any other person, intimidates, threatens, coerces, or attempts to intimidate, threaten or coerce such person for the purpose of interfering with the right of such other person to qualify to vote, to vote, or to vote as he may choose at any general, special, or primary election of the people conducted in or by any State, Territory, district, county, city, parish, township school district, municipality or other territorial subdivision, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

Sec 212 Section 2004 of the Revised Statutes (8 U. S. C. 31) is amended to read as follows:

"(a) All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality or other territorial subdivision, without distinction, direct or indirect, based on race, color, religion, national origin or ancestry; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (8 U. S. C. 43), and other applicable provisions of law.

"(b) The right of all citizens of the United States, eligible by law, to qualify to vote, to vote, and to vote as they may choose at any general, special, or primary election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegates or Commissioners from the Territories and possessions shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (8 U. S. C. 43), and other applicable provisions of law."

SEC. 213 In addition to the criminal penalties provided, any person or persons violating the provisions of section 211 of this part shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, action for mandamus, or other proper proceeding for damages or preventive or mandatory or declaratory or other relief. The provisions of sections 211 and 212 of this part shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States.

PART 3—PROHIBITION AGAINST DISCRIMINATION OR SEGREGATION IN INTERSTATE TRANSPORTATION

SEC. 221. (a) All persons traveling within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, and privileges of any public conveyance operated by a common carrier engaged in interstate or foreign commerce, and all the facilities furnished or connected therewith, subject only to conditions and limitations applicable alike to all persons, without discrimination or segregation based on race, color, religion, national origin or ancestry.

(b) Whoever, whether acting in a private, public, or official capacity, denies or attempts to deny to any person traveling within the jurisdiction of the United States the full and equal enjoyment of any accommodation, advantage, or privilege of a public conveyance operated by a common carrier engaged in interstate or foreign commerce, except for reasons applicable alike to all persons of every race, color, religion, national origin, or ancestry or whoever incites or otherwise participates in such denial or attempt, shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each

offense, and shall also be subject to suit by the injured person or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.) or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

SEC. 222. It shall be unlawful for any common carrier engaged in interstate or foreign commerce, or any officer, agent, or employee thereof, to segregate, or attempt to segregate, or otherwise discriminate against passengers using any public conveyance or facility of such carrier engaged in interstate or foreign commerce, on account of the race, color, religion, national origin or ancestry of such passengers. Any such carrier or officer, agent or employee thereof who segregates or attempts to segregate such passengers or otherwise discriminates against them on account of race, color, religion, national origin or ancestry shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any District court of the United States as constituted, by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

PART 4—PROTECTION OF PERSONS FROM LYNCHING

SEC. 231. It is hereby declared that the right to be free from lynching is a right of all persons within the jurisdiction of the United States. Such right is in addition to any similar rights they may have as citizens of any of the several States or as persons within their jurisdiction.

SEC. 232. Any assemblage of two or more persons which shall, without authority of law, (a) commit or attempt to commit violence upon any person or persons or on his or their property directly or indirectly because of, or wholly or in part because of his or their race, color, religion, national origin or ancestry, or (b) exercise or attempt to exercise, by physical violence against person or property, any power of correction or punishment over any person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any criminal offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such person or persons, or of imposing a punishment not authorized by law, shall constitute a lynch mob within the meaning of this Act. Any such violence or attempt by a lynch mob shall constitute a lynching within the meaning of this Act.

SEC. 233. Any person whether or not a member of a lynch mob who willfully instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, and any member of a lynch mob, shall, upon conviction, be fined not more than \$1,000, or imprisoned not more than one year, or both; or shall be fined not more than \$10,000, or imprisoned not more than twenty years, or both, if the wrongful conduct herein results in death or maiming, or such damage to property as amounts to an infamous crime under applicable State or Territorial law. An infamous crime, for the purposes of this section, shall be deemed one which under applicable State or Territorial law is punishable by imprisonment for more than one year.

SEC. 234. (a) Whenever a lynching shall occur, any peace officer of a State or any governmental subdivision thereof, who shall have been charged with the duty or shall have possessed the authority as such officer to prevent the acts constituting the lynching, but shall have neglected, refused, or willfully failed to make all diligent efforts to prevent the lynching, and any such officer who shall have had custody of the person or persons lynched and shall have neglected, refused, or willfully failed to make all diligent efforts to protect such person or persons from lynching, and any such officer who, in violation of his duty as such officer, shall neglect, refuse, or willfully fail to make all diligent efforts to apprehend or keep in custody the members or any member of the lynching mob, shall be guilty of a felony and, upon conviction, shall be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding five years, or both.

(b) Whenever a lynching shall occur in any Territory, possession, District of Columbia, or in any other area in which the United States shall exercise exclusive criminal jurisdiction, any peace officer of the United States or of such Territory, possession, District, or area, who shall have been charged with the duty or shall have possessed the authority as such officer to prevent the acts constituting the lynching, but shall have neglected, refused, or willfully failed to make all diligent efforts to prevent the lynching, and any such officer who shall have had custody of the person or persons lynched and shall have neglected, refused, or willfully failed to make diligent efforts to protect such person or persons from lynching, and any such officer who, in violation of his duty as such officer, shall neglect, refuse, or willfully fail to make all diligent efforts to apprehend or keep in custody the members or any member of the lynching mob, shall be guilty of a felony and, upon conviction, shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or both.

SEC. 235. For the purposes of this Act the term "peace officer" shall include those officers, their deputies and assistants, who perform the functions of police personnel, sheriffs, constables, marshals, jailers, or jail wardens, by whatever nomenclature they are designated.

SEC. 236. The crime defined in and punishable under the Act of June 22, 1932, as amended (18 U. S. C. 1201, 1202, 10), shall include knowingly transporting, or causing to be transported, in interstate or foreign commerce, any person unlawfully abducted and held because of his race, color, religion, national origin, or ancestry, or for purposes of punishment, correction, or intimidation.

SEC. 237. The city, county, town, village or other governmental subdivision wherein a lynching shall occur shall be liable to the person or persons injured by such lynching, or to his or their survivors, next of kin, or estates, for the damages sustained thereby without regard to whether such lynching was due to negligence, failure, or fault of the said governmental subdivision. Action to recover such liability may be maintained in any court of competent jurisdiction. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

PART 5—PROHIBITION OF DISCRIMINATION IN EMPLOYMENT

SEC. 241. Title 29, United States Code, is amended by adding thereto as chapter 9 thereof the following:

SECTION 1. This Act may be cited as the "Federal Fair Employment Practice Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2 (a) The Congress hereby finds that, despite the continuing progress of our Nation with respect to protection of the rights of individuals, the rights of some persons within the jurisdiction of the United States to employment without discrimination because of race, color, religion, or national origin are being denied, and that such infringements upon the American principle of freedom and equality of opportunity are destructive of the basic doctrine of the integrity and dignity of the individual upon which this Nation was founded and which distinguishes it from the totalitarian nations, force large segments of our population into substandard conditions of living, foment industrial strife and domestic unrest, deprive the United States of the fullest utilization of its capacities for production, and thereby adversely affect the interstate and foreign commerce of the United States. The Congress recognizes that it is essential to the general welfare that this gap between principle and practice be closed; and that adequate protection of such rights of individuals must be provided to preserve our American heritage and prevent serious damage to our moral, social, economic, and political life, and to our international relations.

(b) The Congress, therefore, declares that the right to employment without discrimination because of race, color, religion, or national origin is a right of all persons within the jurisdiction of the United States, and that it is the national policy to protect the right of the individual to be free from such discrimination.

(c) The Congress further declares that the succeeding provisions of this Act are necessary for the following purposes:

(1) To remove obstructions to the free flow of commerce among the States and with foreign nations.

(2) To insure the more complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States.

(3) To promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race or religion. In accordance with the undertaking of the United States under the United Nations Charter, and to further the national policy in that regard by securing to all persons under the jurisdiction of the United States effective recognition of certain of the rights and freedoms proclaimed by the General Assembly of the United Nations in the Universal Declaration of Human Rights.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or any organized group of persons and any agency or instrumentality of the United States, including the District of Columbia, or of any Territory or possession thereof

(b) The term "employment agency" includes any person undertaking to procure employees or opportunities to work.

(c) The term "employer" means a person engaged in commerce or in operations affecting commerce; any person who makes a contract with any agency or instrumentality of the United States, or of any Territory or possession of the United States, or of the District of Columbia, any agency or instrumentality of the United States, including the District of Columbia, or of any Territory or possession thereof; and any person acting in the interest of an employer, directly or indirectly; but shall not include any State or municipality or political subdivision thereof, or any religious, charitable, fraternal, social, educational, or sectarian corporation or association, not organized for private profit, other than a labor organization

(d) The term "labor organization" means any organization, which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, wages, hours, terms or conditions of employment, or for other mutual aid or protection in connection with employment.

(e) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between any State, Territory, possession, or the District of Columbia and any place outside thereof; or within the District of Columbia or any Territory or possession; or between points in the same State but through any point outside thereof.

(f) The term "Territory" means Alaska, Hawaii, Puerto Rico, and the Virgin Islands

(g) The term "possession" means all possessions of the United States, and includes the trust territories which the United States holds as administering authority under the United Nations trusteeship system, and the Canal Zone, but excludes other places held by the United States by lease under international arrangements or by military occupation

(h) The term "Commission" means the Fair Employment Practice Commission, created by section 6 hereof.

EXEMPTION

SEC. 4. This Act shall not apply to any employer with respect to the employment of aliens outside the continental United States, its Territories and possessions.

UNLAWFUL EMPLOYMENT PRACTICES DEFINED

SEC. 5. (a) It shall be an unlawful employment practice for an employer—

(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment, because of such individual's race, color, religion, or national origin; and

(2) to utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school or center, labor organization, or any other source which discriminates against such individuals because of their race, color, religion, or national origin.

(b) It shall be an unlawful employment practice for any labor organization to discriminate against any individual or to limit, segregate, or classify its

membership in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or would affect adversely his wages, hours, or employment conditions, or would deny a person or persons membership in its organization, or deny to any of its members equal treatment with all other members, because of such individual's race, color, religion, or national origin.

(c) It shall be an unlawful employment practice for any employer or employment agency to print or circulate or cause to be printed or circulated, any statement, advertisement, or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, or national origin, or any attempt to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification.

(d) It shall be an unlawful employment practice for any employer or labor organization or employment agency to discharge, expel, or otherwise discriminate against any person, because he has opposed any unlawful employment practice or has filed a charge, testified, participated, or assisted in any proceeding under this Act.

(e) It shall be an unlawful employment practice for any person, whether employer, labor organization, or employment agency, to aid, abet, incite, compel, or coerce the doing of the acts forbidden under this Act, or attempt to do so.

THE FAIR EMPLOYMENT PRACTICE COMMISSION

SEC. 6. (a) There is hereby created in the executive branch of the Government a commission to be known as the Fair Employment Practice Commission, which shall be composed of five members who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall make an annual report to the President for transmission to the Congress summarizing its activities during the preceding fiscal year, including the number and types of cases it has handled and the decisions it has rendered; and shall report to the President from time to time on the causes of and means of eliminating discrimination and make such recommendations for further legislation as may appear desirable.

(e) Each member of the Commission shall receive a salary of \$17,500 a year, except that the Chairman shall receive a salary of \$20,000 a year.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents as it may designate, conduct an investigation, proceeding, or hearing necessary to its functions in any part of the United States. Any such agent, other than a member of the Commission, designated to conduct a proceeding or a hearing shall be a resident of the judicial circuit, as defined in title 28, United States Code, section 41, within which the alleged unlawful employment practice occurred.

(g) The Commission shall have power—

(1) to appoint, in accordance with the Civil Service Act, rules, and regulations, such officers, agents, and employees as it deems necessary to assist it in the performance of its functions, and to fix their compensation in accordance with the Classification Act of 1949, as amended;

(2) to cooperate with regional, State, local, and other agencies;

(3) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(4) to furnish to persons subject to this Act such technical assistance as they may request to further their compliance with this Act or any order issued thereunder;

(5) upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this Act, to assist in such effectuation by conciliation or other remedial action;

(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this Act and to make the results of such studies available to interested governmental and nongovernmental agencies; and

(7) to create such local, State, or regional advisory and conciliation councils as in its judgment will aid in effectuating the purpose of this Act, and the Commission may authorize them to study the problem or specific instances of discrimination in employment because of race, color, religion, or national origin, and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population, and make recommendations to the Commission for the development of policies and procedures in general and in specific instances. Such advisory and conciliation councils shall be composed of representative citizens resident of the area for which they are appointed, who shall serve without compensation, but shall receive transportation and per diem in lieu of subsistence as authorized by section 5 of the Act of August 2, 1946 (5 U. S. C. 73b-2), for persons serving without compensation; and the Commission may make provision for technical and clerical assistance to such councils and for the expenses of such assistance

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 7. (a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 5. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise: *Provided*, That the Commission is empowered by agreement with any agency of any State, Territory, possession, or local government, to cede to such agency jurisdiction over any cases even though such cases may involve charges of unlawful employment practices within the scope of this Act, unless the provision of the statute or ordinance applicable to the determination of such cases by such agency is inconsistent with the corresponding provision of this Act or has received a construction inconsistent therewith.

(b) Whenever a sworn written charge has been filed by or on behalf of any person claiming to be aggrieved, or a written charge has been filed by a member of the Commission, that any person subject to the Act has engaged in any unlawful employment practice, the Commission shall investigate such charge and if it shall determine after such preliminary investigation that probable cause exists for crediting such written charge, it shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be used as evidence in any subsequent proceeding. Any written charge filed pursuant to this section must be filed within one year after the commission of the alleged unlawful employment practice.

(c) If the Commission fails to effect the elimination of such unlawful employment practice and to obtain voluntary compliance with this Act, or in advance thereof if circumstances so warrant, it shall cause a copy of such written charge to be served upon such person who has allegedly committed any unlawful employment practice, hereinafter called the respondent, together with a notice of hearing before the Commission, or a member thereof, or before a designated agent, at a place therein fixed, not less than ten days after the service of such charge.

(d) The respondent shall have the right to file a verified answer to such written charge and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

(e) The Commission or the member or designated agent conducting such hearing shall have the power reasonably and fairly to amend any written charge, and the respondent shall have like power to amend its answer.

(f) All testimony shall be taken under oath

(g) The member of the Commission who filed a charge shall not participate in a hearing thereon or in a trial thereof, except as a witness.

(h) At the conclusion of a hearing before a member or designated agent of the Commission, such member or agent shall transfer the entire record thereof to the Commission, together with his recommended decision. The Commission, or a panel of three qualified members designated by it to sit and act as the Commission in such case, shall afford the parties an opportunity to be heard on such record at a time and place to be specified upon reasonable notice. In its discretion, the Commission upon notice may take further testimony.

(i) With the approval of the member or designated agent conducting the hearing, a case may be ended at any time prior to the transfer of the record thereof to the Commission by agreement between the parties for the elimination of the alleged unlawful employment practice on mutually satisfactory terms.

(j) If upon the record, including all the testimony taken, the Commission shall find that any person named in the written charge has engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring him to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay, as will effectuate the policies of the Act. *Provided, however*, that interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. If upon the record, including all the testimony taken, the Commission shall find that no person named in the written charge has engaged or is engaging in any unlawful employment practice, the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

(k) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the case may at any time be ended by agreement between the parties, approved by the Commission, for the elimination of the alleged unlawful employment practice on mutually satisfactory terms, and the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(l) The proceedings held pursuant to this section shall be conducted in conformity with the standards and limitations of sections 5, 6, 7, and 8 of the Administrative Procedure Act.

JUDICIAL REVIEW

Sec 8. (a) The Commission shall have power to petition any United States court of appeals, or, if the court of appeals to which application might be made is on vacation, any district court or other United States court of the territory or place within the judicial circuit wherein the unlawful employment practice in question occurred, or wherein the respondent transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(b) Upon such filing the court shall cause notice thereof to be served upon such respondent and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission

(c) No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or agent, the court may order such additional evidence to be taken before the Commission, its member, or agent and to be made a part of the transcript.

(e) The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings and its recommendations, if any, for the modification or setting aside of its original order.

(f) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals, if application was made to the district court or other United States court as hereinabove provided, and by the Supreme Court of the United States as provided in title 28, United States Code, section 1254.

(g) Any person aggrieved by a final order of the Commission may obtain a review of such order in any United States court of appeals of the judicial circuit wherein the unlawful employment practice in question was alleged to have been engaged in or wherein such person transacts business, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commission, including the pleadings and testimony upon which the order of the Commission was based. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (a), and shall have the same exclusive jurisdiction to grant to the petitioners or the Commission such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(h) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(i) The commencement of proceedings under subsection (a) or (g) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

INVESTIGATORY POWERS

Sec. 9. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this Act, the Commission, or any member thereof, shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, or agent conducting such investigation, proceeding, or hearing.

(b) Any member of the Commission, or any agent designated by the Commission for such purposes, may administer oaths, examine witnesses, and receive evidence.

(c) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States, including the District of Columbia, or any Territory or possession thereof, at any designated place of hearing.

(d) In case of contumacy or refusal to obey a subpoena issued to any person under this Act, any district court of the United States as constituted by chapter 5, title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, within the jurisdiction of which the investigation, proceedings, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission, shall have jurisdiction to issue to such person an order requiring him to appear before the Commission, its member, or agent, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing.

(e) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having

claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

ENFORCEMENT OF ORDERS DIRECTED TO GOVERNMENT AGENCIES AND CONTRACTORS

SEC. 10. (a) The President is authorized to take such action as may be necessary—

(1) to conform fair employment practices within the Federal establishment with the policies of this Act, and

(2) to provide that any Federal employee aggrieved by any employment practice of his employer must exhaust the administrative remedies prescribed by Executive order or regulations governing fair employment practices within the Federal establishment prior to seeking relief under the provisions of this Act.

(b) The Commission may act against any State or local government or any agency, officer or employee thereof who commits an unfair labor practice as described in this Act, provided that any State or local government employee aggrieved by any employment practice of his employer must exhaust any administrative remedies prescribed by the regulations of any State or local government involved prior to seeking relief under the provisions of this Act.

(c) The provision of section 8 shall not apply with respect to an order of the Commission under section 7 directed to any agency or instrumentality of the United States, or of any Territory or possession thereof, or of the District of Columbia, or any officer or employee thereof. The Commission may request the President to take such action as he deems appropriate to obtain compliance with such orders.

NOTICES TO BE POSTED

SEC. 11. (a) Every employer and labor organization shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the Commission setting forth excerpts of the Act and such other relevant information which the Commission deems appropriate to effectuate the purposes of the Act.

(b) A willful violation of this section shall be punishable by a fine of not more than \$500 for each separate offense.

VETERANS' PREFERENCE

SEC. 12. Nothing contained in this Act shall be construed to repeal or modify any Federal, State, Territorial, or local law creating special rights or preference for veterans.

RULES AND REGULATIONS

SEC. 13. The Commission shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of this Act. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC. 14. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with a member, agent, or employee of the Commission while engaged in the performance of duties under this Act, or because of such performance, shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or by both.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

SEC. 242. Title 41, United States Code, section 34, is hereby amended to add thereto a new subdivision, to be known as subdivision (f) and to read as follows:

"(f) That all persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles or equipment used in the performance of any contract will be employed without regard to or discrimination because

of race, color, religion or national origin and that no person will be denied employment or if employed subjected to discriminatory practices because of his race, color, religion or national origin."

PART 6—PROHIBITION AGAINST DISCRIMINATION AND SEGREGATION IN HOUSING

SEC. 251. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, and receivers or other fiduciaries.

SEC. 252. The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings but shall not include any accommodations operated by a religious or denominational organization as part of its religious or denomination activities.

SEC. 253. No action, suit, or proceeding may be entertained in any district court of the United States or of the District of Columbia for the enforcement or protection of any contract or agreement or any covenant or other restriction in any instrument affecting real property which limits the opportunity of any person or persons to obtain housing accommodations, or to purchase, rent, lease, or occupy residential real property because of their race, color, religion, or national origin, nor may any action be maintained in those courts to recover damages for the breach of such contracts, agreements, covenants, or other restrictions.

SEC. 254. It is declared to be the policy of the United States that the moneys or credit of the United States shall not be used for the perpetuation or extension of discrimination against any person or class of persons because of their race, color, religion, or national origin. Discrimination shall include segregation or separation.

SEC. 255. No officer or agent of the United States or of any Territory of the United States or of the District of Columbia or any corporation whose funds or moneys come in whole or in part from Federal moneys or those of any Territory or of the District of Columbia, shall discriminate against any person contrary to the policy of section 4 of this title in the granting of any right of occupancy in any housing accommodation within his jurisdiction.

SEC. 256. Any loan, grant, gift, or payment of moneys of the United States or of any Territory of the United States or of the District of Columbia or any corporation whose funds or moneys come in whole or in part from Federal moneys or those of any Territory or of the District of Columbia, made under laws of the United States or of any Territory or of the District of Columbia, authorizing such loan, grant, gift, or payment of moneys to be made (1) for the purchase, rental or lease of land for the construction of housing accommodations, or (2) for the purchase, rental, lease or construction of housing accommodations, or the underwriting or guaranty in whole or in part of any purchase, sale, lease, rental or any lending or mortgage transaction involving such land or housing accommodations, or the purchase or discount of any lien or other obligation secured by such land or housing accommodation, shall be made upon the condition that no part of said loans, grants, gifts, or of any sum underwritten or guaranteed, or of any moneys paid as a part of any mortgage, lien or any other lending transaction which is ultimately purchased or discounted by the United States shall be used in the purchase or construction of any housing accommodation where discrimination contrary to the policy set forth in this title shall be practiced in the rental, lease, or sale of said housing accommodation, or the granting of any right of occupancy thereto.

SEC. 257. No officer of the United States or of any Territory of the United States or of the District of Columbia or any corporation whose funds or moneys come in whole or in part from Federal moneys or of those of any Territory or of the District of Columbia shall permit or authorize any loan, grant, gift, or payment of moneys as described in section 6 of this title unless he shall receive a statement in writing signed by the recipient of such loan, grant, gift, or payment of moneys that such recipient has read section 6 of this Act and has agreed to its conditions as a condition of such loan, grant, gift, or payment of moneys, nor shall any officer of the United States or of any Territory of the United States or of the District of Columbia or any corporation whose funds or moneys come in whole or in part from Federal moneys or of those of any Territory or of the District of Columbia permit or authorize any underwriting or guaranty in whole or in part of any purchase, sale, lease, rental, or of any lending or mortgage transaction involving such land or housing accommodations, or the purchase or discount of any mortgage or lien or other obligation secured by such land or housing accommodations

unless and until he shall receive a statement in writing signed by all of the parties to the transaction to be underwritten or guaranteed or to the mortgage, lien, or other security to be purchased or discounted, which shall state that such parties have read section 6 of this Act and have agreed to its conditions as a condition of such underwriting, guaranty, purchase, or discount. Any transaction described in this section wherein the statements in writing described in this section have not been submitted may be revoked by the Government at any time and be treated as null and void ab initio.

SEC. 258. In any rental, sale, lease, gift, or grant of land or buildings by the United States or any Territory or the District of Columbia to any person or to any State, Territory, or the District of Columbia, or to any agency or political subdivision of any State, Territory, or the District of Columbia, the renter, lessee, purchaser, donee, or grantee shall agree that he or it will not discriminate in the sale, lease, rental, or granting of occupancy of any housing accommodations then or later existing upon such land. No officer of the United States or of any Territory of the United States or of the District of Columbia or any corporation whose funds or moneys come in whole or in part from Federal moneys or of those of any Territory or of the District of Columbia shall permit or authorize any of the transactions described in this section unless he shall receive a statement in writing signed by the prospective purchaser, renter, lessee, donee, or grantee stating that he has read this section and agreed to its conditions.

SEC. 259. Upon the completion of any transaction described in section 6 or 8 of this title, the officer of the Government charged with the completion of such transaction shall cause to be filed in the district court of the district or districts where the property involved is situated, a description of said property and copies of the statements described in sections 257 and 258 of this title.

SEC. 260. The terms and conditions of the agreement described in sections 257 and 258 of this title shall be incorporated by operation of law as a part of the terms of any transfer in whole or in part of any right, title, or interest in the land described in sections 6 and 8 of this title, or of any buildings then existing or later erected on said lands.

SEC. 261. (a) If in any transaction of loan, grant, gift, or payment of moneys described in section 256 of this title, any condition shall be breached, the United States may by an action in the district court or other appropriate court where said property is situated, have said grant, loan, gift, or payment of moneys declared null and void ab initio and subject said property to a lien in the amount of said loan, grant, gift, or payment of moneys.

(b) If in any transaction of underwriting or guarantee, or purchase or discount of a mortgage, lien, or other obligation as described in section 256 of this title, the condition there set forth shall be breached, the United States may by an action in the district court or other appropriate court where the property concerned is situated, have said underwriting or guarantee declared at an end and any mortgage, lien, or obligation may be declared immediately due, and payable in the full amount of its face value.

(c) If the renter, lessee, purchaser, donee, or grantee described in section 8 of this title or any successor, in interest shall breach the condition set forth in section 8 of this title, the United States may declare the transaction null and void and the property or right concerned therein shall revert to the United States.

SEC. 262. Any person who shall be injured by reason of anything forbidden in this title or failure to do anything commanded by this title may sue therefor in any district court of the United States in the district in which the defendant resides or is found, or the district in which the property concerned is situated without respect to the amount in controversy and shall recover threefold the damages by him sustained and the cost of the suit including a reasonable attorney's fee.

SEC. 263. The several district courts of the United States are vested with jurisdiction to prevent and restrain discrimination in violation of any agreement described in this title and it shall be the duty of the several district attorneys in the United States in their respective districts and of the Civil Rights Division under the direction of the Attorney General to institute proceedings in equity to prevent and restrain such violations or to join in any such action initiated by a person aggrieved.

SEC. 264. Any officer or agent of the United States or of any Territory of the United States, or of the District of Columbia, or any corporation whose funds or moneys come in whole or in part from Federal moneys or those of any Territory or of the District of Columbia, who shall discriminate contrary to the pro-

vision of sections 4 and 5 of this title shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

SEC. 265 Any person who shall discriminate against any person or persons contrary to any agreement described by this title in the operation, sale, lease, maintenance, or granting of any right to occupancy to any land or housing accommodation, or who knowing or having reason to know of such discrimination by any of his agents, shall permit such discrimination, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

SEC. 266 Any officer of the United States or of any Territory of the United States or of the District of Columbia or any corporation whose funds or moneys come in whole or in part from Federal moneys or the moneys of any Territory or of the District of Columbia, who shall neglect or fail to perform any duty placed upon him by section 7, 8, or 9 of this title shall be fined not more than \$1,000 and imprisoned not more than one year, or both.

SEC. 267 (a) If any officer of any State or local agency which shall be engaged in the administration, operation, maintenance, rental, sale, lease, or granting of any right of occupancy of any land or housing accommodation described in sections 6 or 8 of this title shall discriminate contrary to the provisions of any agreement made under this title in any of such administration, operation, maintenance, rental, sale, lease, or granting of any right of occupancy, the Civil Rights Division, the Federal agent under whose jurisdiction the agreement was made, or any person or persons or corporation injured by such discrimination may make a report thereof to the Administrator of the Housing and Home Finance Agency. Upon the receipt of any such report, or upon the receipt of any other information which seems to the Administrator to warrant any investigation, the Administrator shall fix a time and place for a hearing, and shall by registered mail send to the officer or employee charged with the violation and to the State or local agency employing such officer or employee a notice setting forth a summary of the alleged violation and the time and place of such hearing. At such hearing (which shall be not earlier than ten days after the mailing of such notice) either the officer or employee or the State or local agency, or both, may appear with counsel and be heard. After such hearing, the Administrator shall determine whether any violation of such subsection has occurred and whether such violation, if any, warrants the removal of the officer or employee by whom it was committed from his office or employment, and shall by registered mail notify such officer or employee and the appropriate State or local agency of such determination. If in any case the Administrator finds that such officer or employee has not been removed from his office or employment within thirty days after notice of a determination by the Administrator that such violation warrants his removal, or that he has been so removed and has subsequently (within a period of eighteen months) been appointed to any office or employment in any State or local agency in such State, the Administrator shall make and certify to the appropriate Federal agency an order requiring it to withhold from its loans or grants to the State or local agency to which such notification was given an amount equal to two years compensation at the rate such officer or employee was receiving at the time of such violation; except that in any case of such a subsequent appointment to a position in another State or local agency which receives loans or grants from any Federal agency, such order shall require the withholding of such amount from such other State or local agency.

(b) Any party aggrieved by any determination or order under section 267 (a) including any person allegedly injured by the alleged discrimination may within thirty days after the determination or order institute proceedings for the review thereof by filing a written petition in the United States Court of Appeals for the District of Columbia. A copy of such petition shall be forthwith served upon the Administrator and thereupon the aggrieved party shall file in the Court a transcript of the entire record of the proceeding, certified by the Administrator, including the complete testimony upon which the order complained of was entered and the findings and order of the Administrator. Thereupon the court shall have jurisdiction of the proceedings and of the question determined thereunder and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Administrator. The findings of the Administrator with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive.

(c) The commencement of proceedings under subsection (b) of this section shall not, unless specifically ordered by the court, operate as a stay of the Administrator's order.

SEC. 268. The Administrator of the Housing and Home Finance Agency shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of the Act. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

PART 7—PROHIBITION AGAINST DISCRIMINATION IN EDUCATION

SEC. 271. No officer, agent, or employee of any school or educational institution or of any State or local agency concerned with the maintenance, operation, or direction of any school or educational institution which receives any Federal funds or any Federal tax exemption as an educational institution shall discriminate against or segregate any person in the maintenance or operation of such school or educational institution because of his race, color, religion, or national origin. Nor shall such officer, agent, or employee either require the submission of a photograph along with applications made to such schools or educational institutions for admission thereto, or include on such application forms any questions concerning race, color, religion, or national origin. The enumeration of the foregoing practices shall not be deemed as exclusive or as excluding the prohibition of other devices used or which may be used to facilitate discrimination.

SEC. 272. (a) If any officer, agent, or employee of any school or educational institution or of any State or local agency concerned with the maintenance, operation, or direction of any school or educational institution which receives any Federal funds or any Federal tax exemption as an educational institution shall discriminate against or segregate any person in the maintenance or operation of such school or educational institution because of his race, color, religion, or national origin, the Civil Rights Division, the Federal agency under whose jurisdiction the grant of Federal funds or tax exemption is made or given, or any person or persons injured by such discrimination or segregation may make a report thereof to the Administrator of the Federal Security Agency. Upon the receipt of any such report, or upon the receipt of any other information which seems to the Administrator to warrant any investigation, the Administrator shall fix a time and place for a hearing, and shall by registered mail send to the officer, agent, or employee charged with the violation and to the State or local agency, school, or educational institution employing such officer, agent, or employee a notice setting forth a summary of the alleged violation and the time and place of such hearing. At such hearing (which shall be not earlier than ten days after the mailing of such notice) either the officer, agent, or employee or the State or local agency, school, or educational institution, or both, may appear with counsel and be heard. After such hearing, the Administrator shall determine whether any violation of section 1 of this title has occurred and whether such violation, if any, warrants the removal of the officer, agent, or employee by whom it was committed from his office, agency, or employment, and shall by registered mail notify such officer, agent, or employee and the appropriate State or local agency, school, or educational institution of such determination. If in any case the Administrator finds that such officer, agent, or employee has not been removed from his office or employment within thirty days after notice of a determination by the Administrator that such violation warrants his removal, or that he has been so removed and has subsequently (within a period of eighteen months) been appointed to any office or employment in any school or educational institution in such State, the Administrator shall make and certify to the appropriate Federal agency an order requiring it to withhold from its loans or grants, or to diminish the tax exempted to the State or local agency or school or educational institution to which such notification was given an amount equal to two years' compensation at the rate such officer, agent, or employee was receiving at the time of such violation; except that in any case of such a subsequent appointment to a position in another State or local agency, school, or educational institution which receives loans or grants or tax exemption from any Federal agency, such order shall require the withholding of such amount from such other State or local agency, school, or educational institution.

(b) Any party aggrieved by any determination or order under section 272 (a), including any persons allegedly injured by the alleged discrimination or segre-

gation may within thirty days after the determination or order institute proceedings for the review thereof by filing a written petition in the United States Court of Appeals for the District of Columbia. A copy of such petition shall be forthwith served upon the Administrator and thereupon the aggrieved party shall file in the court a transcript of the entire record of the proceeding, certified by the Administrator, including the complete testimony upon which the order complained of was entered and the findings and order of the Administrator. Thereupon the Court shall have jurisdiction of the proceedings and of the question determined thereunder and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Administrator. The findings of the Administrator with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive.

(c) The commencement of proceedings under subsection (b) of this section shall not, unless specifically ordered by the court, operate as a stay of the Administrator's order.

SEC. 273. If any officer, agent, or employee of the United States or of any Territory or of the District of Columbia or of any corporation whose stock is owned in whole or in part by the United States or of any State or local agency concerned with the maintenance, operation, or direction of any school or educational institution, or any officer, agent, or employee of any school or educational institution which receives any Federal funds or any Federal tax exemption in connection with its educational activities shall discriminate or segregate contrary to the provisions of section 271, he shall be fined not more than \$5,000 and imprisoned not more than one year.

SEC. 274. Any person who shall be injured by reason of anything forbidden in this title may sue therefor in the District Court of the United States in the district in which the defendant resides or is found or has an agent without respect to the amount in controversy and shall recover threefold the damages by him sustained and the cost of the suit including a reasonable attorney's fee.

SEC. 275. The several district courts of the United States are vested with jurisdiction to prevent and restrain violations of this title and it shall be the duty of the several district attorneys of the United States in their respective districts and of the Civil Rights Division under the direction of the Attorney General to institute proceedings in equity to prevent and restrain such violations or to associate themselves with an action in equity instituted by a party aggrieved.

SEC. 276. This title shall not apply to religious discrimination or segregation by any institutions chartered or licensed to further or perpetuate the religious ideas of any religion.

SEC. 277. The Administrator of the Federal Security Agency shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of this Act. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

[H. R. 3688, 84th Cong., 1st sess.]

A BILL To provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and parts according to the following table of contents, may be cited as the "Civil Rights Act of 1955."

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TITLE II—PROVISIONS TO STRENGTHEN PROTECTION OF THE INDIVIDUAL'S RIGHTS TO LIBERTY, SECURITY, CITIZENSHIP, AND ITS PRIVILEGES

- Part 1. Amendments and supplements to existing civil-rights statutes.
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SEC. 2. (a) The Congress hereby finds that, despite the continuing progress of our Nation with respect to protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States have long been and still are being denied, abridged, or threatened by the conduct of both Government officials and private persons, and particularly by the nonfeasance and misfeasance of public officials in many States in failing to protect the civil rights of Negro inhabitants, and that such infringements upon the American principle of freedom and equality endanger our form of government and are destructive of the basic doctrine of the integrity and dignity of the individual upon which this Nation was founded. The Congress recognizes that it is essential to the national security and the general welfare that this gap between principle and practice be closed; and that more adequate protection of the civil rights of individuals must be provided to preserve our American heritage, halt the undermining of our constitutional guaranties, and prevent serious damage to our moral, social, economic, and political life.

(b) The Congress therefore declares that it is its purpose to strengthen and secure the civil rights of the people of the United States under the Constitution against interference by the conduct of both Government officials and private persons, and that it is the national policy to protect the right of the individual to be free from discrimination based upon race, color, religion, or national origin.

(c) The Congress further declares that the succeeding provisions of this Act are necessary for the following purposes:

(i) To insure the more complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States, and to enforce the provisions of the Constitution.

(ii) To safeguard to the several States and Territories of the United States a republican form of government from the lawless conduct of persons threatening to destroy the several systems of public criminal justice and frustrate the functioning thereof through duly constituted officials.

(iii) To promote and enforce universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race or religion, in accordance with the undertaking of the United States under the United Nations Charter, and to further the national policy in that regard by securing to all persons under the jurisdiction of the United States effective recognition of certain of the rights and freedoms proclaimed by the General Assembly of the United Nations in the Universal Declaration of Human Rights.

(d) To the end that these policies may be effectively carried out by a positive program of Federal action the provisions of this Act are enacted

SEC. 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

TITLE I—PROVISIONS TO STRENGTHEN THE FEDERAL GOVERNMENT MACHINERY FOR THE PROTECTION OF CIVIL RIGHTS

PART I—ESTABLISHMENT OF A COMMISSION ON CIVIL RIGHTS IN THE EXECUTIVE BRANCH OF THE GOVERNMENT

SEC. 101. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission") The Commission shall be composed of five members who shall be appointed by the President by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office. Any vacancy in the Commission

shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC. 102. It shall be the duty and function of the Commission to gather timely and authoritative information concerning social and legal developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights; and to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil rights. The Commission shall make an annual report to the President on its findings and recommendations, and it may in addition from time to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil rights matter.

SEC. 103. (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) The Commission shall have authority to accept and utilize services of voluntary and uncompensated personnel and to pay any such personnel actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at the rate not in excess of \$10).

(c) Within the limitations of its appropriations, the Commission shall appoint a full-time staff director and such other full-time personnel as is necessary to its proper functioning, to secure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

PART 2—REORGANIZATION OF CIVIL RIGHTS ACTIVITIES OF THE DEPARTMENT OF JUSTICE

SEC. 111. There shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States. The Civil Rights Division shall have attached to it, and under its direction, an investigating staff whose function it shall be to investigate all civil-rights cases under applicable Federal law.

TITLE II—PROVISIONS TO STRENGTHEN PROTECTION OF THE INDIVIDUAL'S RIGHTS TO LIBERTY, SECURITY, CITIZENSHIP, AND ITS PRIVILEGES

PART 1—AMENDMENTS AND SUPPLEMENTS TO EXISTING CIVIL-RIGHTS STATUTES

SEC. 201. Title 18, United States Code, section 241, is amended to read as follows:

"SEC. 241. (a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 or imprisoned not more than ten years, or both, or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) The rights, privileges, and immunities referred to in this section shall be deemed to include, but shall not be limited to, the following:

"(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

"(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial wherein the charged person or persons shall be represented by counsel and upon conviction and sentence pursuant to due process of law.

"(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses.

"(4) The right to be free of illegal restraint of the person.

"(5) The right to protection of person and property without discrimination by reason of race, color, religion, national origin, or ancestry.

"(6) The right to vote as protected by Federal law

"(d) Any person or persons violating the provisions of subsections (a) and (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States."

SEC. 202. Title 18, United States Code, section 242, is amended to read as follows:

"SEC. 242. Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his race, color, religion, national origin, or ancestry, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged."

SEC. 203. Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

"SEC. 242A. The rights, privileges, and immunities referred to in title 18, United States Code, section 242, shall be deemed to include, but shall not be limited to, the following:

"(1) The rights, privileges, and immunities referred to in section 241c, title 18, United States Code.

"(2) The right to secure and engage in any employment, to conduct business, commerce or professional activities, to be entitled to attend school, to utilize public accommodations, to secure, own, and live in a home or apartment and otherwise to the full opportunity and freedom to engage in all lawful, social, commercial, educational, political, and entertaining activities without discrimination by reason of race, color, religion, national origin, or ancestry."

SEC. 204. Title 18, United States Code, section 1583, is amended to read as follows:

"SEC. 1583. Whoever holds or kidnaps or carries away any other person, or attempts to hold, kidnap, or carry away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a

slave; or whoever entices, persuades, or induces, or attempts to entice, persuade, or induce any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he may be made a slave or held in involuntary servitude, shall be fined not more than \$5,000, or imprisoned not more than five years, or both."

PART 2—PROTECTION OF RIGHT TO POLITICAL PARTICIPATION

SEC. 211 Title 18, United States Code, section 594, is amended to read as follows:

"SEC. 594. (a) Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to qualify to vote, to vote, or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

"(b) Whoever, because of the race, color, religion, national origin, or ancestry of any other person, intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce such person for the purpose of interfering with the right of such other person to qualify to vote, to vote, or to vote as he may choose at any general, special, or primary election of the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality or other territorial subdivision, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 212 Section 2004 of the Revised Statutes (8 U. S. C. 31) is amended to read as follows:

"(a) All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality or other territorial subdivision, without distinction, direct or indirect, based on race, color, religion, national origin or ancestry; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (8 U. S. C. 43), and other applicable provisions of law.

"(b) The right of all citizens of the United States, eligible by law, to qualify to vote, to vote, and to vote as they may choose at any general, special, or primary election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegates or Commissioners from the Territories and possessions shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (8 U. S. C. 43), and other applicable provisions of law."

SEC. 213. In addition to the criminal penalties provided, any person or persons violating the provisions of section 211 of this part shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, action for mandamus, or other proper proceeding for damages or preventive or mandatory or declaratory or other relief. The provisions of sections 211 and 212 of this part shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States.

PART 3—PROHIBITION AGAINST DISCRIMINATION OR SEGREGATION IN INTERSTATE TRANSPORTATION

SEC 221 (a) All persons traveling within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, and privileges of any public conveyance operated by a common carrier engaged in interstate or foreign commerce, and all the facilities furnished or connected therewith, subject only to conditions and limitations applicable alike to all persons, without discrimination or segregation based on race, color, religion, national origin or ancestry.

(b) Whoever, whether acting in a private, public, or official capacity, denies or attempts to deny to any person traveling within the jurisdiction of the United States the full and equal enjoyment of any accommodation, advantage, or privilege of a public conveyance operated by a common carrier engaged in interstate or foreign commerce, except for reasons applicable alike to all persons of every race, color, religion, national origin, or ancestry or whoever incites or otherwise participates in such denial or attempt, shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.) or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

SEC 222. It shall be unlawful for any common carrier engaged in interstate or foreign commerce, or any officer, agent, or employee thereof, to segregate, or attempt to segregate, or otherwise discriminate against passengers using any public conveyance or facility of such carrier engaged in interstate or foreign commerce, on account of the race, color, religion, national origin, or ancestry of such passengers. Any such carrier or officer, agent, or employee thereof who segregates or attempts to segregate such passengers or otherwise discriminates against them on account of race, color, religion, national origin, or ancestry shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any District court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

PART 4—PROTECTION OF PERSONS FROM LYNCHING

SEC. 231. It is hereby declared that the right to be free from lynching is a right of all persons within the jurisdiction of the United States. Such right is in addition to any similar rights they may have as citizens of any of the several States or as persons within their jurisdiction.

SEC. 232. Any assemblage of two or more persons which shall, without authority of law, (a) commit or attempt to commit violence upon any person or persons or on his or their property directly or indirectly because of, or wholly or in part because of his or their race, color, religion, national origin, or ancestry, or (b) exercise or attempt to exercise, by physical violence against person or property, any power of correction or punishment over any person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any criminal offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such person or persons, or of imposing a punishment not authorized by law, shall constitute a lynch mob within the meaning of this Act. Any such violence or attempt by a lynch mob shall constitute a lynching within the meaning of this Act.

SEC. 233. Any person whether or not a member of a lynch mob who willfully instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, and any member of a lynch mob shall, upon conviction, be fined not more than \$1,000, or imprisoned not more than one year, or both; or shall be fined not more than \$10,000, or imprisoned not more than twenty years, or

both, if the wrongful conduct herein results in death or maiming, or such damage to property as amounts to an infamous crime under applicable State or Territorial law. An infamous crime, for the purposes of this section, shall be deemed one which under applicable State or Territorial law is punishable by imprisonment for more than one year.

SEC. 234. (a) Whenever a lynching shall occur, any peace officer of a State or any governmental subdivision thereof, who shall have been charged with the duty or shall have possessed the authority as such officer to prevent the acts constituting the lynching, but shall have neglected, refused, or willfully failed to make all diligent efforts to prevent the lynching, and any such officer who shall have had custody of the person or persons lynched and shall have neglected, refused, or willfully failed to make all diligent efforts to protect such person or persons from lynching, and any such officer who, in violation of his duty as such officer, shall neglect, refuse, or willfully fail to make all diligent efforts to apprehend or keep in custody the members or any member of the lynching mob, shall be guilty of a felony and, upon conviction, shall be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding five years, or both.

(b) Whenever a lynching shall occur in any Territory, possession, District of Columbia, or in any other area in which the United States shall exercise exclusive criminal jurisdiction, any peace officer of the United States or of such Territory, possession, District, or area, who shall have been charged with the duty or shall have possessed the authority as such officer to prevent the acts constituting the lynching, but shall have neglected, refused, or willfully failed to make all diligent efforts to prevent the lynching, and any such officer who shall have had custody of the person or persons lynched and shall have neglected, refused, or willfully failed to make all diligent efforts to protect such person or persons from lynching, and any such officer who, in violation of his duty as such officer, shall neglect, refuse, or willfully fail to make all diligent efforts to apprehend or keep in custody the members or any member of the lynching mob, shall be guilty of a felony and, upon conviction, shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or both.

SEC. 235. For the purposes of this Act the term "peace officer" shall include those officers, their deputies and assistants, who perform the functions of police personnel, sheriffs, constables, marshals, jailers, or jail wardens, by whatever nomenclature they are designated.

SEC. 236. The crime defined in and punishable under the Act of June 22, 1932, as amended (18 U. S. C. 1201, 1202, 10), shall include knowingly transporting, or causing to be transported, in interstate or foreign commerce, any person unlawfully abducted and held because of his race, color, religion, national origin, or ancestry, or for purposes of punishment, correction, or intimidation.

SEC. 237. The city, county, town, village or other governmental subdivision wherein a lynching shall occur shall be liable to the person or persons injured by such lynching, or to his or their survivors, next of kin, or estates, for the damages sustained thereby without regard to whether such lynching was due to negligence, failure, or fault of the said governmental subdivision. Action to recover such liability may be maintained in any court of competent jurisdiction. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

PART 5—PROHIBITION OF DISCRIMINATION IN EMPLOYMENT

SEC. 241. Title 29, United States Code, is amended by adding thereto as chapter 9 thereof the following:

SECTION 1. This Act may be cited as the "Federal Fair Employment Practice Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds that, despite the continuing progress of our Nation with respect to protection of the rights of individuals, the rights of some persons within the jurisdiction of the United States to employment without discrimination because of race, color, religion, or national origin are being denied, and that such infringements upon the American principle of freedom and equality of opportunity are destructive of the basic doctrine of the integrity and dignity of the individual upon which this Nation was founded and which

distinguishes it from the totalitarian nations, force large segments of our population into substandard conditions of living, foment industrial strife and domestic unrest, deprive the United States of the fullest utilization of its capacities for production, and thereby adversely affect the interstate and foreign commerce of the United States. The Congress recognizes that it is essential to the general welfare that this gap between principle and practice be closed; and that adequate protection of such rights of individuals must be provided to preserve our American heritage and prevent serious damage to our moral, social, economic, and political life, and to our international relations.

(b) The Congress, therefore, declares that the right to employment without discrimination because of race, color, religion, or national origin is a right of all persons within the jurisdiction of the United States, and that it is the national policy to protect the right of the individual to be free from such discrimination.

(c) The Congress further declares that the succeeding provisions of this Act are necessary for the following purposes:

(1) To remove obstructions to the free flow of commerce among the States and with foreign nations.

(2) To insure the more complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States.

(3) To promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race or religion. In accordance with the undertaking of the United States under the United Nations Charter, and to further the national policy in that regard by securing to all persons under the jurisdiction of the United States effective recognition of certain of the rights and freedoms proclaimed by the General Assembly of the United Nations in the Universal Declaration of Human Rights.

DEFINITIONS

SEC. 3 As used in this Act—

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or any organized group of persons and any agency or instrumentality of the United States, including the District of Columbia, or of any Territory or possession thereof.

(b) The term "employment agency" includes any person undertaking to procure employees or opportunities to work.

(c) The term "employer" means a person engaged in commerce or in operations affecting commerce; any person who makes a contract with any agency or instrumentality of the United States, or of any Territory or possession of the United States, or of the District of Columbia; any agency or instrumentality of the United States, including the District of Columbia, or of any Territory or possession thereof; and any person acting in the interest of an employer, directly or indirectly; but shall not include any State or municipality or political subdivision thereof, or any religious, charitable, fraternal, social, educational, or sectarian corporation or association, not organized for private profit, other than a labor organization.

(d) The term "labor organization" means any organization, which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, wages, hours, terms or conditions of employment, or for other mutual aid or protection in connection with employment.

(e) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between any State, Territory, possession, or the District of Columbia and any place outside thereof; or within the District of Columbia or any Territory or possession; or between points in the same State but through any point outside thereof.

(f) The term "Territory" means Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

(g) The term "possession" means all possessions of the United States, and includes the trust territories which the United States holds as administering authority under the United Nation trusteeship system, and the Canal Zone, but excludes other places held by the United States by lease under international arrangements or by military occupation.

(h) The term "Commission" means the Fair Employment Practice Commission, created by section 6 hereof.

EXEMPTION

SEC. 4. This Act shall not apply to any employer with respect to the employment of aliens outside the continental United States, its Territories and possessions.

UNLAWFUL EMPLOYMENT PRACTICES DEFINED

SEC. 5 (a) It shall be an unlawful employment practice for an employer—

(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment, because of such individual's race, color, religion, or national origin; and

(2) to utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school or center, labor organization, or any other source which discriminates against such individuals because of their race, color, religion, or national origin.

(b) It shall be an unlawful employment practice for any labor organization to discriminate against any individual or to limit, segregate, or classify its membership in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or would affect adversely his wages, hours, or employment conditions, or would deny a person or persons membership in its organization, or deny to any of its members equal treatment with all other members, because of such individual's race, color, religion, or national origin.

(c) It shall be an unlawful employment practice for any employer or employment agency to print or circulate or cause to be printed or circulated, any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, or national origin, or any attempt to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification.

(d) It shall be an unlawful employment practice for any employer or labor organization or employment agency to discharge, expel, or otherwise discriminate against any person, because he has opposed any unlawful employment practice or has filed a charge, testified, participated, or assisted in any proceeding under this Act.

(e) It shall be an unlawful employment practice for any person, whether employer, labor organization, or employment agency, to aid, abet, incite, compel, or coerce the doing of the acts forbidden under this Act, or attempt to do so.

THE FAIR EMPLOYMENT PRACTICE COMMISSION

SEC. 6. (a) There is hereby created in the executive branch of the Government a commission to be known as the Fair Employment Practice Commission, which shall be composed of five members who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall make an annual report to the President for transmission to the Congress summarizing its activities during the preceding fiscal year, including the number and types of cases it has handled and the decisions it has rendered; and shall report to the President from time to time on the causes of and means of eliminating discrimination and make such recommendations for further legislation as may appear desirable.

(e) Each member of the Commission shall receive a salary of \$17,500 a year, except that the Chairman shall receive a salary of \$20,000 a year.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents as it may designate, conduct an investigation, proceeding, or hearing necessary to its functions in any part of the United States. Any such agent, other than a member of the Commission, designated to conduct a proceeding or a hearing shall be a resident of the judicial circuit, as defined in title 28, United States Code, section 41, within which the alleged unlawful employment practice occurred.

(g) The Commission shall have power—

(1) to appoint, in accordance with the Civil Service Act, rules, and regulations, such officers, agents, and employees as it deems necessary to assist it in the performance of its functions, and to fix their compensation in accordance with the Classification Act of 1949, as amended;

(2) to cooperate with regional, State, local, and other agencies;

(3) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(4) to furnish to persons subject to this Act such technical assistance as they may request to further their compliance with this Act or any order issued thereunder;

(5) upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this Act, to assist in such effectuation by conciliation or other remedial action;

(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this Act and to make the results of such studies available to interested governmental and nongovernmental agencies; and

(7) to create such local, State, or regional advisory and conciliation councils as in its judgment will aid in effectuating the purpose of this Act, and the Commission may authorize them to study the problem or specific instances of discrimination in employment because of race, color, religion, or national origin, and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population, and make recommendations to the Commission for the development of policies and procedures in general and in specific instances. Such advisory and conciliation councils shall be composed of representative citizens residents of the area for which they are appointed, who shall serve without compensation, but shall receive transportation and per diem in lieu of subsistence as authorized by section 5 of the Act of August 2, 1946 (5 U. S. C. 73b-2), for persons serving without compensation; and the Commission may make provision for technical and clerical assistance to such councils and for the expenses of such assistance

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 7. (a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 5. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise: *Provided*, That the Commission is empowered by agreement with any agency of any State, Territory, possession, or local government, to cede to such agency jurisdiction over any cases even though such cases may involve charges of unlawful employment practices within the scope of this Act, unless the provision of the statute or ordinance applicable to the determination of such cases by such agency is inconsistent with the corresponding provision of this Act or has received a construction inconsistent therewith.

(b) Whenever a sworn written charge has been filed by or on behalf of any person claiming to be aggrieved, or a written charge has been filed by a member of the Commission, that any person subject to the Act has engaged in any unlawful employment practice, the Commission shall investigate such charge and if it shall determine after such preliminary investigation that probable cause exists for crediting such written charge, it shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and per-

suasion. Nothing said or done during and as a part of such endeavors may be used as evidence in any subsequent proceeding. Any written charge filed pursuant to this section must be filed within one year after the commission of the alleged unlawful employment practice.

(c) If the Commission fails to effect the elimination of such unlawful employment practice and to obtain voluntary compliance with this Act, or in advance thereof if circumstances so warrant, it shall cause a copy of such written charge to be served upon such person who has allegedly committed any unlawful employment practice, hereinafter called the respondent, together with a notice of hearing before the Commission, or a member thereof, or before a designated agent, at a place therein fixed, not less than ten days after the service of such charge.

(d) The respondent shall have the right to file a verified answer to such written charge and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

(e) The Commission or the member or designated agent conducting such hearing shall have the power reasonably and fairly to amend any written charge, and the respondent shall have like power to amend its answer.

(f) All testimony shall be taken under oath.

(g) The member of the Commission who filed a charge shall not participate in a hearing thereon or in a trial thereof, except as a witness.

(h) At the conclusion of a hearing before a member or designated agent of the Commission, such member or agent shall transfer the entire record thereof to the Commission, together with his recommended decision. The Commission, or a panel of three qualified members designated by it to sit and act as the Commission in such case, shall afford the parties an opportunity to be heard on such record at a time and place to be specified upon reasonable notice. In its discretion, the Commission upon notice may take further testimony.

(i) With the approval of the member or designated agent conducting the hearing, a case may be ended at any time prior to the transfer of the record thereof to the Commission by agreement between the parties for the elimination of the alleged unlawful employment practice on mutually satisfactory terms.

(j) If upon the record, including all the testimony taken, the Commission shall find that any person named in the written charge has engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring him to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay, as will effectuate the policies of the Act: *Provided, however,* That interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. If upon the record, including all the testimony taken, the Commission shall find that no person named in the written charge has engaged or is engaging in any unlawful employment practice, the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

(k) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the case may at any time be ended by agreement between the parties, approved by the Commission, for the elimination of the alleged unlawful employment practice on mutually satisfactory terms, and the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(l) The proceedings held pursuant to this section shall be conducted in conformity with the standards and limitations of sections 5, 6, 7, and 8 of the Administrative Procedure Act.

JUDICIAL REVIEW

SEC. 8. (a) The Commission shall have power to petition any United States court of appeals or, if the court of appeals to which application might be made is on vacation, any district court or other United States court of the territory or place within the judicial circuit wherein the unlawful employment practice in question occurred, or wherein the respondent transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony

upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(b) Upon such filing the court shall cause notice thereof to be served upon such respondent and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(c) No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or agent, the court may order such additional evidence to be taken before the Commission, its member, or agent and to be made a part of the transcript.

(e) The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings and its recommendations, if any, for the modification or setting aside of its original order.

(f) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals, if application was made to the district court or other United States court as hereinabove provided, and by the Supreme Court of the United States as provided in title 28, United States Code, section 1254.

(g) Any person aggrieved by a final order of the Commission may obtain a review of such order in any United States court of appeals of the judicial circuit wherein the unlawful employment practice in question was alleged to have been engaged in or wherein such person transacts business, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commission, including the pleadings and testimony upon which the order of the Commission was based. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (a), and shall have the same exclusive jurisdiction to grant to the petitioners or the Commission such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(h) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(i) The commencement of proceedings under subsection (a) or (g) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

INVESTIGATORY POWERS

SEC 9. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this Act, the Commission, or any member thereof, shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, or agent conducting such investigation, proceeding, or hearing.

(b) Any member of the Commission, or any agent designated by the Commission for such purposes, may administer oaths, examine witnesses, and receive evidence.

(c) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States, including the District of

Columbia, or any Territory or possession thereof, at any designated place of hearing.

(d) In case of contumacy or refusal to obey a subpoena issued to any person under this Act, any district court of the United States as constituted by chapter 5, title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, within the jurisdiction of which the investigation, proceedings, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission, shall have jurisdiction to issue to such person an order requiring him to appear before the Commission, its member, or agent, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing.

(e) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

ENFORCEMENT OF ORDERS DIRECTED TO GOVERNMENT AGENCIES AND CONTRACTORS

SEC. 10. (a) The President is authorized to take such action as may be necessary—

(1) to conform fair employment practices within the Federal establishment with the policies of this Act, and

(2) to provide that any Federal employee aggrieved by any employment practice of his employer must exhaust the administrative remedies prescribed by Executive order or regulations governing fair employment practices within the Federal establishment prior to seeking relief under the provisions of this Act.

(b) The Commission may act against any State or local government or any agency, officer or employee thereof who commits an unfair labor practice as described in this Act, provided that any State or local government employee aggrieved by any employment practice of his employer must exhaust any administrative remedies prescribed by the regulations of any State or local government involved prior to seeking relief under the provisions of this Act.

(c) The provision of section 8 shall not apply with respect to an order of the Commission under section 7 directed to any agency or instrumentality of the United States, or of any Territory or possession thereof, or of the District of Columbia, or any officer or employee thereof. The Commission may request the President to take such action as he deems appropriate to obtain compliance with such orders.

NOTICES TO BE POSTED

SEC. 11. (a) Every employer and labor organization shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the Commission setting forth excerpts of the Act and such other relevant information which the Commission deems appropriate to effectuate the purposes of the Act.

(b) A willful violation of this section shall be punishable by a fine of not more than \$500 for each separate offense.

VETERANS' PREFERENCE

SEC. 12. Nothing contained in this Act shall be construed to repeal or modify any Federal, State, Territorial, or local law creating special rights or preference for veterans.

RULES AND REGULATIONS

SEC. 13. The Commission shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of this Act. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC. 14. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with a member, agent, or employee of the Commission while engaged in the performance of duties under this Act, or because of such performance, shall be punished by a fine of not more than \$500 or imprisonment for not more than one year, or by both.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

SEC. 242. Title 41, United States Code, section 34, is hereby amended to add thereto a new subdivision, to be known as subdivision (f) and to read as follows:

"(f) That all persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles or equipment used in the performance of any contract will be employed without regard to or discrimination because of race, color, religion or national origin and that no person will be denied employment or if employed subjected to discriminatory practices because of his race, color, religion or national origin."

PART 6—PROHIBITION AGAINST DISCRIMINATION AND SEGREGATION IN HOUSING

SEC. 251. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, and receivers or other fiduciaries.

SEC. 252. The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings but shall not include any accommodations operated by a religious or denominational organization as part of its religious or denomination activities.

SEC. 253. No action, suit, or proceeding may be entertained in any district court of the United States or of the District of Columbia for the enforcement or protection of any contract or agreement or any covenant or other restriction in any instrument affecting real property which limits the opportunity of any person or persons to obtain housing accommodations, or to purchase, rent, lease, or occupy residential real property because of their race, color, religion, or national origin, nor may any action be maintained in those courts to recover damages for the breach of such contracts, agreements, covenants, or other restrictions.

SEC. 254. It is declared to be the policy of the United States that the moneys or credit of the United States shall not be used for the perpetuation or extension of discrimination against any person or class of persons because of their race, color, religion, or national origin. Discrimination shall include segregation or separation.

SEC. 255. No officer or agent of the United States or of any Territory of the United States or of the District of Columbia or any corporation whose funds or moneys come in whole or in part from Federal moneys or those of any Territory or of the District of Columbia, shall discriminate against any person contrary to the policy of section 4 of this title in the granting of any right of occupancy in any housing accommodation within his jurisdiction.

SEC. 256. Any loan, grant, gift, or payment of moneys of the United States or of any Territory of the United States or of the District of Columbia or any corporation whose funds or moneys come in whole or in part from Federal moneys or those of any Territory or of the District of Columbia, made under laws of the United States or of any Territory or of the District of Columbia, authorizing such loan, grant, gift or payment of moneys to be made (1) for the purchase, rental or lease of land for the construction of housing accommodations, or (2) for the purchase, rental, lease or construction of housing accommodations, or the underwriting or guaranty in whole or in part of any purchase, sale, lease, rental or any lending or mortgage transaction involving such land or housing accommodations, or the purchase or discount of any lien or other obligation secured by such land or housing accommodation, shall be made upon the condition that no part of said loans, grants, gifts, or of any sum underwritten or guaranteed, or of any moneys paid as a part of any mortgage, lien or any other lending transaction which is ultimately purchased or discounted by the United

States shall be used in the purchase or construction of any housing accommodation where discrimination contrary to the policy set forth in this title shall be practiced in the rental, lease, or sale of said housing accommodation, or the granting of any right of occupancy thereto.

SEC. 257. No officer of the United States or of any Territory of the United States or of the District of Columbia or any corporation whose funds or moneys come in whole or in part from Federal moneys or of those of any Territory or of the District of Columbia shall permit or authorize any loan, grant, gift, or payment of moneys as described in section 6 of this title unless he shall receive a statement in writing signed by the recipient of such loan, grant, gift, or payment of moneys that such recipient has read section 6 of this Act and has agreed to its conditions as a condition of such loan, grant, gift, or payment of moneys, nor shall any officer of the United States or of any Territory of the United States or of the District of Columbia or any corporation whose funds or moneys come in whole or in part from Federal moneys or of those of any Territory or of the District of Columbia permit or authorize any underwriting or guaranty in whole or in part of any purchase, sale, lease, rental, or of any lending or mortgage transaction involving such land or housing accommodations, or the purchase or discount of any mortgage or lien or other obligation secured by such land or housing accommodations unless and until he shall receive a statement in writing signed by all of the parties to the transaction to be underwritten or guaranteed or to the mortgage, lien, or other security to be purchased or discounted, which shall state that such parties have read section 6 of this Act and have agreed to its conditions as a condition of such underwriting, guaranty, purchase, or discount. Any transaction described in this section wherein the statements in writing described in this section have not been submitted may be revoked by the Government at any time and be treated as null and void ab initio.

SEC. 258. In any rental, sale, lease, gift, or grant of land or buildings by the United States or any Territory or the District of Columbia to any person or to any State, Territory, or the District of Columbia, or to any agency or political subdivision of any State, Territory, or the District of Columbia, the renter, lessee, purchaser, donee, or grantee shall agree that he or it will not discriminate in the sale, lease, rental, or granting of occupancy of any housing accommodations then or later existing upon such land. No officer of the United States or of any Territory of the United States or of the District of Columbia or any corporation whose funds or moneys come in whole or in part from any Federal moneys or of those of any Territory or of the District of Columbia shall permit or authorize any of the transactions described in this section unless he shall receive a statement in writing signed by the prospective purchaser, renter, lessee, donee, or grantee stating that he has read this section and agreed to its conditions.

SEC. 259. Upon the completion of any transaction described in section 6 or 8 of this title, the officer of the Government charged with the completion of such transaction shall cause to be filed in the district court of the district or districts where the property involved is situated, a description of said property and copies of the statements described in sections 257 and 258 of this title.

SEC. 260. The terms and conditions of the agreement described in sections 257 and 258 of this title shall be incorporated by operation of law as a part of the terms of any transfer in whole or in part of any right, title, or interest in the land described in sections 6 and 8 of this title, or of any buildings then existing or later erected on said lands.

SEC. 261. (a) If in any transaction of loan, grant, gift, or payment of moneys described in section 256 of this title, any condition shall be breached, the United States may by an action in the district court or other appropriate court where said property is situated, have said grant, loan, gift, or payment of moneys declared null and void ab initio and subject said property to a lien in the amount of said loan, grant, gift, or payment of moneys.

(b) If in any transaction of underwriting or guarantee, or purchase or discount of a mortgage, lien, or other obligation as described in section 256 of this title, the condition there set forth shall be breached, the United States may by an action in the district court or other appropriate court where the property concerned is situated, have said underwriting or guarantee declared at an end and any mortgage, lien, or obligation may be declared immediately due, and payable in the full amount of its face value.

(c) If the renter, lessee, purchaser, donee, or grantee described in section 8 of this title or any successor in interest shall breach the condition set forth in section 8 of this title, the United States may declare the transaction null and

void and the property or right concerned therein shall revert to the United States.

SEC. 262. Any person who shall be injured by reason of anything forbidden in this title or failure to do anything commanded by this title may sue therefor in any district court of the United States in the district in which the defendant resides or is found, or the district in which the property concerned is situated without respect to the amount in controversy and shall recover threefold the damages by him sustained and the cost of the suit including a reasonable attorney's fee.

SEC. 263. The several district courts of the United States are vested with jurisdiction to prevent and restrain discrimination in violation of any agreement described in this title and it shall be the duty of the several district attorneys in the United States in their respective districts and of the Civil Rights Division under the direction of the Attorney General to institute proceedings in equity to prevent and restrain such violations or to join in any such action initiated by a person aggrieved.

SEC. 264. Any officer or agent of the United States or of any Territory of the United States, or of the District of Columbia, or any corporation whose funds or moneys come in whole or in part from Federal moneys or those of any Territory or of the District of Columbia, who shall discriminate contrary to the provisions of sections 4 and 5 of this title shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

SEC. 265. Any person who shall discriminate against any person or persons contrary to any agreement described by this title in the operation, sale, lease, maintenance, or granting of any right to occupancy to any land or housing accommodation, or who knowing or having reason to know of such discrimination by any of his agents, shall permit such discrimination, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

SEC. 266. Any officer of the United States or of any Territory of the United States or of the District of Columbia or any corporation whose funds or moneys come in whole or in part from Federal moneys or the moneys of any Territory or of the District of Columbia, who shall neglect or fail to perform any duty placed upon him by section 7, 8, or 9 of this title shall be fined not more than \$1,000 and imprisoned not more than one year, or both.

SEC. 267. (a) If any officer of any State or local agency which shall be engaged in the administration, operation, maintenance, rental, sale, lease, or granting of any right of occupancy of any land or housing accommodation described in sections 6 or 8 of this title shall discriminate contrary to the provisions of any agreement made under this title in any of such administration, operation, maintenance, rental, sale, lease, or granting of any right of occupancy, the Civil Rights Division, the Federal agent under whose jurisdiction the agreement was made, or any person or persons or corporation injured by such discrimination may make a report thereof to the Administrator of the Housing and Home Finance Agency. Upon the receipt of any such report, or upon the receipt of any other information which seems to the Administrator to warrant any investigation, the Administrator shall fix a time and place for a hearing, and shall by registered mail send to the officer or employee charged with the violation and to the State or local agency employing such officer or employee a notice setting forth a summary of the alleged violation and the time and place of such hearing. At such hearing (which shall be not earlier than ten days after the mailing of such notice) either the officer or employee or the State or local agency, or both, may appear with counsel and be heard. After such hearing, the Administrator shall determine whether any violation of such subsection has occurred and whether such violation, if any, warrants the removal of the officer or employee by whom it was committed from his office or employment, and shall by registered mail notify such officer or employee and the appropriate State or local agency of such determination. If in any case the Administrator finds that such officer or employee has not been removed from his office or employment within thirty days after notice of a determination by the Administrator that such violation warrants his removal, or that he has been so removed and has subsequently (within a period of eighteen months) been appointed to any office or employment in any State or local agency in such State, the Administrator shall make and certify to the appropriate Federal agency an order requiring it to withhold from its loans or grants to the State or local agency to which such notification was given an amount equal to two years compensation at the rate such officer or employee was receiving at the time of such violation; except that in any case of such a subsequent appointment to a position in another State

or local agency which receives loans or grants from any Federal agency, such order shall require the withholding of such amount from such other State or local agency.

(b) Any party aggrieved by any determination or order under section 267 (a) including any person allegedly injured by the alleged discrimination may within thirty days after the determination or order institute proceedings for the review thereof by filing a written petition in the United States Court of Appeals for the District of Columbia. A copy of such petition shall be forthwith served upon the Administrator and thereupon the aggrieved party shall file in the Court a transcript of the entire record of the proceeding, certified by the Administrator, including the complete testimony upon which the order complained of was entered and the findings and order of the Administrator. Thereupon the court shall have jurisdiction of the proceedings and of the question determined thereunder and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Administrator. The findings of the Administrator with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive.

(c) The commencement of proceedings under subsection (b) of this section shall not, unless specifically ordered by the court, operate as a stay of the Administrator's order.

SEC. 268. The Administrator of the Housing and Home Finance Agency shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of the Act. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

PART 7—PROHIBITION AGAINST DISCRIMINATION IN EDUCATION

SEC. 271. No officer, agent, or employee of any school or educational institution or of any State or local agency concerned with the maintenance, operation, or direction of any school or educational institution which receives any Federal funds or any Federal tax exemption as an educational institution shall discriminate against or segregate any person in the maintenance or operation of such school or educational institution because of his race, color, religion, or national origin. Nor shall such officer, agent, or employee either require the submission of a photograph along with applications made to such schools or educational institutions for admission thereto, or include on such application forms any questions concerning race, color, religion, or national origin. The enumeration of the foregoing practices shall not be deemed as exclusive or as excluding the prohibition of other devices used or which may be used to facilitate discrimination.

SEC. 272 (a) If any officer, agent, or employee of any school or educational institution or of any State or local agency concerned with the maintenance, operation, or direction of any school or educational institution which receives any Federal funds or any Federal tax exemption as an educational institution shall discriminate against or segregate any person in the maintenance or operation of such school or educational institution because of his race, color, religion, or national origin, the Civil Rights Division, the Federal agency under whose jurisdiction the grant of Federal funds or tax exemption is made or given, or any person or persons injured by such discrimination or segregation may make a report thereof to the Administrator of the Federal Security Agency. Upon the receipt of any such report, or upon the receipt of any other information which seems to the Administrator to warrant any investigation, the Administrator shall fix a time and place for a hearing, and shall by registered mail send to the officer, agent, or employee charged with the violation and to the State or local agency, school, or educational institution employing such officer, agent, or employee a notice setting forth a summary of the alleged violation and the time and place of such hearing. At such hearing (which shall be not earlier than ten days after the mailing of such notice) either the officer, agent, or employee or the State or local agency, school, or educational institution, or both, may appear with counsel and be heard. After such hearing, the Administrator shall determine whether any violation of section 1 of this title has occurred and whether such violation, if any, warrants the removal of the officer, agent, or employee by whom it was committed from his office, agency, or employment, and shall by registered mail

notify such officer, agent, or employee and the appropriate State or local agency, school, or educational institution of such determination. If in any case the Administrator finds that such officer, agent, or employee has not been removed from his office or employment within thirty days after notice of a determination by the Administrator that such violation warrants his removal, or that he has been so removed and has subsequently (within a period of eighteen months) been appointed to any office or employment in any school or educational institution in such State, the Administrator shall make and certify to the appropriate Federal agency an order requiring it to withhold from its loans or grants, or to diminish the tax exempted to the State or local agency or school or educational institution to which such notification was given an amount equal to two years' compensation at the rate such officer, agent, or employee was receiving at the time of such violation; except that in any case of such a subsequent appointment to a position in another State or local agency, school, or educational institution which receives loans or grants or tax exemption from any Federal agency, such order shall require the withholding of such amount from such other State or local agency, school, or educational institution.

(b) Any party aggrieved by any determination or order under section 272 (a), including any persons allegedly injured by the alleged discrimination or segregation may within thirty days after the determination or order institute proceedings for the review thereof by filing a written petition in the United States Court of Appeals for the District of Columbia. A copy of such petition shall be forthwith served upon the Administrator and thereupon the aggrieved party shall file in the court a transcript of the entire record of the proceeding, certified by the Administrator, including the complete testimony upon which the order complained of was entered and the findings and order of the Administrator. Thereupon the Court shall have jurisdiction of the proceedings and of the question determined thereunder and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Administrator. The findings of the Administrator with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive.

(c) The commencement of proceedings under subsection (b) of this section shall not, unless specifically ordered by the court, operate as a stay of the Administrator's order.

Sec. 273. If any officer, agent, or employee of the United States or of any Territory or of the District of Columbia or of any corporation whose stock is owned in whole or in part by the United States or of any State or local agency concerned with the maintenance, operation, or direction of any school or educational institution, or any officer, agent, or employee of any school or educational institution which receives any Federal funds or any Federal tax exemption in connection with its educational activities shall discriminate or segregate contrary to the provisions of section 271, he shall be fined not more than \$5,000 and imprisoned not more than one year.

Sec. 274. Any person who shall be injured by reason of anything forbidden in this title may sue therefore in the District Court of the United States in the district in which the defendant resides or is found or has an agent without respect to the amount in controversy and shall recover threefold the damages by him sustained and the cost of the suit including a reasonable attorneys fee.

Sec. 275. The several district courts of the United States are vested with jurisdiction to prevent and restrain violations of this title and it shall be the duty of the several district attorneys of the United States in their respective districts and of the Civil Rights Division under the direction of the Attorney General to institute proceedings in equity to prevent and restrain such violations or to associate themselves with an action in equity instituted by a party aggrieved.

Sec. 276. This title shall not apply to religious discrimination or segregation by any institutions chartered or licensed to further or perpetuate the religious ideas of any religion.

Sec. 277. The Administrator of the Federal Security Agency shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of this Act. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

[H. R. 51, 84th Cong., 1st sess.]

A BILL To protect the right of individuals to be free from discrimination or segregation by reason of race, color, religion, or national origin

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds that, despite the continuing progress of our Nation with respect to protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States are being denied, abridged, or threatened, and that such infringements upon the American principle of freedom and equality endanger our form of government and are destructive of the basic doctrine of the integrity and dignity of the individual upon which this Nation was founded and which distinguishes it from the totalitarian nations. The Congress recognizes that it is essential to the national security and the general welfare that this gap between principle and practice be closed; and that more adequate protection of the civil rights of individuals be provided to preserve our American heritage, halt the undermining of our constitutional guaranties, and prevent serious damage to our moral, social, economic, and political life, and to our international relations.

(b) The Congress, therefore, declares that it is its purpose to strengthen and secure the civil rights of the people of the United States under the Constitution, and that it is the national policy to protect the right of the individual to be free from discrimination or segregation based upon race, color, religion, or national origin.

(c) The Congress further declares that the succeeding provisions of this Act are necessary for the following purposes:

(i) To insure the more complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States, and to enforce the provisions of the Constitution.

(ii) To safeguard to the several States and Territories of the United States a republican form of government from the lawless conduct of persons threatening to destroy the several systems of public criminal justice and frustrate the functioning thereof through duly constituted officials.

(iii) To promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race or religion, in accordance with the undertaking of the United States under the United Nations Charter.

(d) To the end that these policies may be effectively carried out by a positive program of Federal action the provisions of this Act are enacted.

SEC. 2 If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

TITLE I—FOR THE BETTER ASSURANCE OF THE PROTECTION OF CITIZENS OF THE UNITED STATES AND OTHER PERSONS WITHIN THE SEVERAL STATES FROM MOB VIOLENCE AND LYNCHING, AND FOR OTHER PURPOSES

SEC. 101 The provisions of this title are enacted in exercise of the power of Congress to enforce, by appropriate legislation, the provisions of the fourteenth amendment to the Constitution of the United States and for the purpose of better assuring by the several States under said amendment equal protection and due process of law to all persons charged with or suspected or convicted of any offense within their jurisdiction.

DEFINITIONS

SEC 102. Any assemblage of two or more persons which shall, without authority of law, (a) commit or attempt to commit violence upon the person of any citizen or citizens of the United States because of his or their race, religion, color, national origin, ancestry, or language, or (b) exercise or attempt to exercise, by physical violence against the person, any power of correction or punishment over any citizen or citizens of the United States or other person or persons in the custody of any peace officer or suspected, of, charged with, or convicted of the commission of any criminal offense, with the purpose or conse-

quence of preventing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, or of imposing a punishment not authorized by law, shall constitute a lynch mob within the meaning of this title. Any such violence by a lynch mob shall constitute lynching within the meaning of this title.

PUNISHMENT FOR LYNCHING

SEC. 103. Any person whether or not a member of a lynch mob who willfully instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, and any member of a lynch mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding \$10,000 or by imprisonment not exceeding twenty years, or by both such fine and imprisonment.

PUNISHMENT FOR FAILURE TO PREVENT LYNCHING

SEC. 104. Whenever a lynching shall occur, any officer or employee of a State or any governmental subdivision thereof, who shall have been charged with the duty or shall have possessed the authority as such officer or employee to prevent the lynching, but shall have neglected, refused, or willfully failed to make all diligent efforts to prevent the lynching, and any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched and shall have neglected, refused, or willfully failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who, in violation of his duty as such officer or employee, shall neglect, refuse, or willfully fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment.

DUTY OF ATTORNEY GENERAL OF THE UNITED STATES

SEC. 105. Whenever a lynching of any person or persons shall occur, and information on oath is submitted to the Attorney General of the United States that any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching, or who shall have had custody of the person or persons lynched, has neglected, refused, or willfully failed to make all diligent efforts to protect such person or persons from lynching or that any officer or employee of a State or governmental subdivision thereof, in violation of his duty as such officer or employee, has neglected, refused, or willfully failed to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, the Attorney General of the United States shall cause an investigation to be made to determine whether there has been any violation of this title.

COMPENSATION FOR VICTIMS OF LYNCHING

SEC. 106 (1) Every governmental subdivision of a State to which the State shall have delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction. Every such governmental subdivision shall also be responsible for any lynching which follows upon the seizure and abduction of the victim or victims within its territorial jurisdiction, irrespective of whether such lynching occurs within its territorial jurisdiction or not. Any such governmental subdivision which shall fail to prevent any such lynching or any such seizure and abduction followed by lynching shall be liable to each individual who suffers injury to his or her person, or to his or her next of kin if such injury results in death, for a sum of not less than \$2,000 and not more than \$10,000 as monetary compensation for such injury or death: *Provided, however,* That the governmental subdivision may prove by a preponderance of evidence as an affirmative defense that the officers thereof charged with the duty of preserving the peace, and the citizens thereof, when called upon by any such officer, used all diligence and all powers vested in them for the protection of the person lynched: *And provided further,* That the satisfaction of judgment against one governmental subdivision responsible for a lynching shall bar further proceedings against any other governmental subdivision which may also be responsible for that lynching.

(2) Liability arising under this section may be enforced and the compensation herein provided for may be recovered in a civil action in the United States district court for the judicial district of which the defendant governmental subdivision is a part. Such action shall be brought and prosecuted by the Attorney General of the United States in the name of the United States for the use of the real party in interest, or, if the claimant or claimants shall so elect, by counsel employed by the claimant or claimants, but in any event without prepayment of costs. If the amount of any such judgment shall not be paid upon demand, payment thereof may be enforced by any process available under the State law for the enforcement of any other money judgment against such governmental subdivision. Any officer of such governmental subdivision or any other person who shall disobey or fail to comply with any lawful order or decree of the court for the enforcement of the judgment shall be guilty of contempt of that court and punished accordingly. The cause of action accruing hereunder to a person injured by lynching shall not abate with the subsequent death of that person before final judgment but shall survive to his or her next of kin. For the purpose of this title the next of kin of a deceased victim of lynching shall be determined according to the laws of intestate distribution in the State of domicile of the decedent. Any judgment or award under this title shall be exempt from all claims of creditors.

(3) Any judge of the United States district court for the judicial district wherein any suit shall be instituted under the provisions of this title may by order direct that such suit be tried in any place in such district as he may designate in such order: *Provided*, That no such suit shall be tried within the territorial limits of the defendant governmental division.

SEC. 107. The crime defined in and punishable under the Act of June 22, 1932 (47 Stat. 326), as amended by the Act of May 18, 1934 (48 Stat. 781), shall include the transportation in interstate or foreign commerce of any person unlawfully abducted and held for purposes of punishment, correction, or intimidation.

SHORT TITLE

SEC. 108. This title may be cited as the "Federal Anti-Lynching Act."

TITLE II—PROVISIONS TO STRENGTHEN PROTECTION OF THE INDIVIDUAL'S RIGHTS TO LIBERTY, SECURITY, CITIZENSHIP AND ITS PRIVILEGES

AMENDMENTS AND SUPPLEMENTS TO EXISTING CIVIL-RIGHTS STATUTES

SEC. 201. Title 18, United States Code, section 241, is amended to read as follows:

"SEC. 241. (a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise of enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) Any person or persons violating the provisions of subsections (a) and (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under

this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States."

SEC. 202. Title 18, United States Code, section 242, is amended to read as follows:

"SEC. 242. Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged."

SEC. 203. Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

"SEC. 242A. The rights, privileges, and immunities referred to in title 18, United States Code, section 242, shall be deemed to include, but shall not be limited to, the following:

"(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

"(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial and upon conviction and sentence pursuant to due process of law.

"(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses.

"(4) The right to be free of illegal restraint of the person

"(5) The right to protection of person and property without discrimination by reason of race, color, religion, or national origin.

"(6) The right to vote as protected by Federal law."

SEC. 204. Title 18, United States Code, section 1583, is amended to read as follows:

"SEC. 1583. Whoever holds or kidnaps or carries away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave; or

"Whoever entices, persuades, or induces any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he may be made a slave or held in involuntary servitude, shall be fined not more than \$5,000, or imprisoned not more than five years, or both."

PROTECTION OF RIGHTS TO POLITICAL PARTICIPATION

SEC. 211. Title 18, United States Code, section 594, is amended to read as follows:

"SEC. 594. Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other persons for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 212. Section 2004 of the Revised Statutes (8 U. S. C. 31) is amended to read as follows:

"All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality or other Territorial subdivision, without distinction, direct

or indirect, based on race, color, religion, or national origin; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (8 U. S. C. 43), and other applicable provisions of law."

SEC. 213. In addition to the criminal penalties provided, any person or persons violating the provisions of section 211 of this part shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The provisions of sections 211 and 212 of this part shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States.

PROHIBITION AGAINST DISCRIMINATION OR SEGREGATION IN INTERSTATE TRANSPORTATION

SEC. 221. (a) All persons traveling within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, and privileges of any public conveyance operated by a common carrier engaged in interstate or foreign commerce, and all the facilities furnished or connected therewith, subject only to conditions and limitations applicable alike to all persons, without discrimination or segregation based on race, color, religion, or national origin.

(b) Whoever, whether acting in a private, public, or official capacity, denies or attempts to deny to any person traveling within the jurisdiction of the United States the full and equal enjoyment of any accommodation, advantage, or privilege of a public conveyance operated by a common carrier engaged in interstate or foreign commerce, except for reasons applicable alike to all persons of every race, color, religion, or national origin, or whoever incites or otherwise participates in such denial or attempt, shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

SEC. 222. It shall be unlawful for any common carrier engaged in interstate or foreign commerce, or any officer, agent, or employee thereof, to segregate, or attempt to segregate, or otherwise discriminate against passengers using any public conveyance or facility of such carrier engaged in interstate or foreign commerce, on account of the race, color, religion, or national origin of such passengers. Any such carrier or officer, agent, or employee thereof who segregates or attempts to segregate such passengers or otherwise discriminate against them on account of race, color, religion, or national origin shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

TITLE III—TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, BECAUSE OF RACE, RELIGION, COLOR, NATIONAL ORIGIN, OR ANCESTRY

SHORT TITLE

SEC. 301. This title may be cited as the "National Act Against Discrimination in Employment."

FINDINGS AND DECLARATION OF POLICY

SEC. 302. (a) The Congress hereby finds that the practice of discriminating in employment against properly qualified persons because of their race, religion, color, national origin, or ancestry is contrary to the American principles of liberty and of equality of opportunity, is incompatible with the Constitution, forces large segments of our population into substandard conditions of living, fomenting industrial strife and domestic unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects the domestic and foreign commerce of the United States.

(b) The right to employment without discrimination because of race, religion, color, national origin, or ancestry is hereby recognized as and declared to be a civil right of all the people of the United States.

(c) It is hereby declared to be the policy of the United States to protect the right recognized and declared in subdivision (b) hereof and to eliminate all such discrimination to the fullest extent permitted by the Constitution. This title shall be construed to effectuate such policy.

DEFINITIONS

SEC. 303. As used in this title—

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or any organized group of persons and any agency or instrumentality of the United States or of any Territory or possession thereof.

(b) The term "employer" means a person engaged in commerce or in operations affecting commerce having in his employ fifty or more individuals; any agency or instrumentality of the United States or of any Territory or possession thereof; and any person acting in the interest of an employer, directly or indirectly.

(c) The term "labor organization" means any organization, having fifty or more members employed by any employer or employers, which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, or for other mutual aid or protection in connection with employment.

(d) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between any State, Territory, or the District of Columbia and any place outside thereof; or within the District of Columbia or any Territory; or between points in the same State but through any point outside thereof.

(e) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce.

(f) The term "Commission" means the National Commission Against Discrimination in Employment, created by section 306 hereof.

EXEMPTIONS

SEC. 304. This Act shall not apply to any State or municipality or political subdivision thereof, or to any religious, charitable, fraternal, social, educational, or sectarian corporation or association, not organized for private profit, other than labor organizations.

UNLAWFUL EMPLOYMENT PRACTICES DEFINED

SEC. 305. (a) It shall be an unlawful employment practice for an employer—

(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment, because of such individual's race, religion, color, national origin, or ancestry;

(2) to utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school or center, labor organization, or any other source which discriminates against such individuals because of their race, religion, color, national origin, or ancestry.

(b) It shall be an unlawful employment practice for any labor organization to discriminate against any individual or to limit, segregate, or classify its membership in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or would affect adversely his wages, hours, or employment conditions, because of such individual's race, religion, color, national origin, or ancestry.

(c) It shall be an unlawful employment practice for any employer or labor organization to discharge, expel, or otherwise discriminate against any person, because he has opposed any unlawful employment practice or has filed a charge, testified, participated, or assisted in any proceeding under this title.

THE NATIONAL COMMISSION AGAINST DISCRIMINATION IN EMPLOYMENT

SEC. 306. (a) There is hereby created a commission to be known as the National Commission Against Discrimination in Employment, which shall be composed of seven members who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years, but their successors shall be appointed for terms of seven years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the cases it has heard; the decisions it has rendered; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) Each member of the Commission shall receive a salary of \$10,000 a year.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents as it may designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States. Any such agent designated to conduct a proceeding or a hearing shall be a resident of the Federal judicial circuit, as defined in sections 116 and 308 of the Judicial Code, as amended (U. S. C. Annotated, title 28, secs. 211 and 450), within which the alleged unlawful employment practice occurred.

(g) The Commission shall have power—

(1) to appoint such agents and employees as it deems necessary to assist it in the performance of its functions;

(2) to cooperate with regional, State, local, and other agencies;

(3) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(4) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or any order issued thereunder;

(5) upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this title, to assist in such effectuation by conciliation or other remedial action;

(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to interested governmental and nongovernmental agencies; and

(7) to create such local, State, or regional advisory and conciliation councils as in its judgment will aid in effectuating the purpose of this title, and the Commission may empower them to study the problem or specific instances of discrimination in employment because of race, religion, color, national origin, or ancestry and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population, and make recommendations to the Commission for the development of policies and procedures in general and in specific instances. Such advisory and conciliation councils shall be composed of representative citizen residents of the area for which they are appointed, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the Commission may make provision for technical and clerical assistance to such councils and for the expenses of such assistance.

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 307. (a) Whenever a sworn written charge has been filed by or on behalf of any person claiming to be aggrieved, or a written charge has been filed by a member of a Commission, that any person subject to the title has engaged in any unlawful employment practice, the Commission shall investigate such charge and if it shall determine after such preliminary investigation that probable cause exists for crediting such written charge, it shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during such endeavors may be used as evidence in any subsequent proceeding.

(b) If the Commission fails to effect the elimination of such unlawful employment practice and to obtain voluntary compliance with this title, or in advance thereof if circumstances so warrant, it shall cause a copy of such written charge to be served upon such person who has allegedly committed any unlawful employment practice, hereinafter called the respondent together with a notice of hearing before the Commission, or a member thereof, or before a designated agent, at a place therein fixed, not less than ten days after the service of such charge.

(c) The member of the Commission who filed a charge shall not participate in a hearing thereon or in a trial thereof.

(d) At the conclusion of a hearing before a member or designated agent of the Commission the entire record thereof shall be transferred to the Commission, which shall designate three of its qualified members to sit as the Commission and to hear on such record the parties at a time and place to be specified upon reasonable notice.

(e) All testimony shall be taken under oath.

(f) The respondent shall have the right to file a verified answer to such written charge and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

(g) The Commission or the member or designated agent conducting such hearing shall have the power reasonably and fairly to amend any written charge, and the respondent shall have like power to amend its answer.

(h) Any written charge filed pursuant to this section must be filed within one year after the commission of the alleged unlawful employment practice.

(i) If upon the record, including all the testimony taken, the Commission shall find that any person named in the written charge has engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring him to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay, as will effectuate the policies of the title. If upon the record, including all the testimony taken, the Commission shall find that no person named in the written charge has engaged or is engaging in any unlawful employment practice, the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

(j) Under a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(k) The proceedings held pursuant to this section shall be conducted in conformity with the standards and limitations of sections 5, 6, 7, and 8 of the Administrative Procedure Act, Public Law 404, Seventy-ninth Congress, June 11, 1946.

JUDICIAL REVIEW

SEC. 308. (a) The Commission shall have power to petition any circuit court of appeals of the United States (including the Court of Appeals of the District of Columbia) or, if the circuit court of appeals to which application might be made is in vacation, any district court of the United States (including the Supreme Court of the District of Columbia) within any circuit wherein the unlawful employment practice in question occurred, or wherein the respondent transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10c and 10e of the Administrative Procedure Act.

(b) Upon such filing, the court shall cause notice thereof to be served upon such respondent and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(c) No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or agent, the court may order such additional evidence to be taken before the Commissioner, its member, or agent and to be made a part of the transcript.

(e) The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings and its recommendations, if any, for the modification or setting aside of its original order.

(f) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals, if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

(g) Any person aggrieved by a final order of the Commission may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unlawful employment practice in question was alleged to have been engaged in or wherein such person transacts business, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commission, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (a), and shall have the same exclusive jurisdiction to grant to the petitioner or the Commission such temporary relief or restraining order as it deems just and proper and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(h) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by sections 10a and 10b of the Administrative Procedure Act.

(i) The commencement of proceedings under subsection (a) or (g) of this

section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order

INVESTIGATORY POWERS

SEC. 309. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this title, the Commission, or any member thereof, shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, or agent conducting such investigation, proceeding, or hearing.

(b) Any member of the Commission, or any agent designated by the Commission for such purposes, may administer oaths, examine witnesses, and receive evidence.

(c) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(d) In case of contumacy or refusal to obey a subpoena issued to any person under this title, any district court of the United States, or the United States courts of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring him to appear before the Commission, its member, or agent, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing.

(e) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

ENFORCEMENT OF ORDERS DIRECTED TO GOVERNMENT AGENCIES

SEC. 310. The provisions of section 308 shall not apply with respect to an order of the Commission under section 307 directed to any agency or instrumentality of the United States, or of any Territory or possession thereof, or any officer or employee thereof. The Commission may request the President to take such action as he deems appropriate to obtain compliance with such orders. The President shall have power to provide for the establishment of rules and regulations to prevent the committing or continuing of any unlawful employment practice as herein defined by any person who makes a contract with any agency or instrumentality of the United States (excluding any State or political subdivision thereof) or of any Territory or possession of the United States, which contract requires the employment of at least fifty individuals. Such rules and regulations shall be enforced by the Commission according to the procedure hereinbefore provided.

NOTICES TO BE POSTED

SEC. 311. (a) Every employer and labor organization shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the Commission setting forth excerpts of the title and such other relevant information which the Commission deems appropriate to effectuate the purposes of the title.

(b) A wilful violation of this section shall be punishable by a fine of not less than \$100 or more than \$500 for each separate offense

VETERANS' PREFERENCE

SEC. 312. Nothing contained in this title shall be construed to repeal or modify any Federal or State law creating special rights or preferences for veterans.

RULES AND REGULATIONS

SEC. 313. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of this title. If at any time after the issuance of any such regulation or any amendment or rescission thereof, there is passed a concurrent resolution of the two Houses of the Congress stating in substance that the Congress disapproves such regulation, amendment, or rescission, such disapproved regulation, amendment, or rescission shall not be effective after the date of passage of such concurrent resolution nor shall any regulation or amendment having the same effect as that concerning which the concurrent resolution was passed be issued thereafter by the Commission.

(b) Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC. 314. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with a member, agent, or employee of the Commission while engaged in the performance of duties under this title, or because of such performance, shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or by both.

TITLE IV—TO PROHIBIT DISCRIMINATION OR SEGREGATION IN THE ARMED SERVICES

SEC. 401. Notwithstanding the provisions of any other law there shall be no discrimination against or segregation of any person in the armed services of the United States, or the units thereof, or the reserve components thereof, by reason of the race, religion, color, or national origin of such person.

TITLE V—TO ELIMINATE SEGREGATION AND DISCRIMINATION IN OPPORTUNITIES FOR HIGHER AND OTHER EDUCATION

SEC. 501. This title may be cited as the "Educational Opportunities Act of 1952."

FINDINGS AND DECLARATION OF POLICY

SEC. 502. The Congress hereby finds and declares that the American idea of equality of opportunity requires that students otherwise qualified be admitted to educational institutions without regard to race, color, religion, or national origin, except that with regard to religious or denominational educational institutions, students otherwise qualified shall have the equal opportunity to attend therein without discrimination because of race, color, or national origin, it being recognized as a fundamental right for members of various religion faiths to establish and maintain educational institutions exclusively or primarily for students of their own religious faith or to advocate the religious principles in furtherance of which they are maintained and nothing herein contained shall impair or abridge that right.

DEFINITIONS

SEC. 503. As used in this Title—

(a) "Educational institution" means any educational institution of post-secondary grade subject to the visitation, examination, or inspection by the appropriate State agency supervising education within each State.

(b) "Religious or denominational educational institution" means an educational institution which is operated, supervised, or controlled by a religious or denominational organization and which has certified to the appropriate State commissioner of education, or official performing similar duties, that it is a religious or denominational educational institution.

UNFAIR EDUCATIONAL PRACTICES

SEC. 504. (a) It shall be an unfair educational practice for an educational institution—

(1) to exclude, limit, or otherwise discriminate against any person or persons seeking admission as students to such institution because of race,

religion, color, or national origin; except that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its students exclusively or primarily from members of such religion or denomination, or from giving preference in such selection to such members, or to make such selection of its students as is calculated by such institution to promote the religious principles for which it is established or maintained; and

(2) to penalize any individual because he has initiated, testified, participated, or assisted in any proceedings under this title.

(b) It shall not be an unfair educational practice for any educational institution to use criteria other than race, religion, color, or national origin in the admission of students.

CERTIFICATION OF RELIGIOUS AND DENOMINATIONAL INSTITUTIONS

SEC 505 An educational institution operated, supervised, or controlled by a religious or denominational organization may, through its chief executive officer, certify in writing to the Commissioner of Education (hereinafter referred to as the "Commissioner") that it is so operated, controlled, or supervised, and that it elects to be considered a religious or denominational educational institution, and it thereupon shall be deemed such an institution for the purposes of this section.

PROCEDURE

SEC. 506. (a) Any person seeking admission as a student, who claims to be aggrieved by an alleged unfair educational practice (hereinafter referred to as the "petitioner"), may himself, or by his parent, or guardian, make, sign, and file with the Commissioner a verified petition which shall set forth the particulars thereof and contain such other information as may be required by the Commissioner. The Commissioner shall thereupon cause an investigation to be made in connection therewith; and after such investigation if he shall determine that probable cause exists for crediting the allegations of the petition, he shall attempt by informal methods of persuasion, conciliation, or mediation to induce the elimination of such alleged unfair educational practice.

(b) Where the Commissioner has reason to believe that an applicant or applicants have been discriminated against, except that preferential selection by religious or denominational institutions of students of their own religion or denomination shall not be considered an act of discrimination, he may initiate an investigation on his own motion.

(c) The Commissioner shall not disclose what takes place during such informal efforts at persuasion, conciliation, or mediation, nor shall he offer in evidence in any proceeding the facts adduced in such informal efforts.

(d) A petition pursuant to this section must be filed with the Commissioner within one year after the alleged unfair educational practice was committed.

(e) If such informal methods fail to induce the elimination of an alleged unfair educational practice, the Commissioner shall issue and cause to be served upon such institution, hereinafter called the respondent, a complaint setting forth the alleged unfair educational practice charged and a notice of hearing before the Commissioner, or his designated representative, at a place therein fixed to be held not less than twenty days after the service of said complaint. Any complaint issued pursuant to this section must be issued within two years after the alleged unfair educational practice was committed.

(f) The respondent shall have the right to answer the original and any amended complaint and to appear at such hearing by counsel, present evidence, and examine and cross-examine witnesses.

(g) (1) For the purpose of all investigations, proceedings, or hearings which the Commissioner deems necessary or proper for the exercise of the powers vested in him by this title, the Commissioner, or his designated representative, shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commissioner, or his designated representative, conducting such investigation, proceeding, or hearing.

(2) The Commissioner, or the representative designated by the Commissioner for such purposes, may administer oaths, examine witnesses, and receive evidence.

(3) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States, including the District of Columbia, or any Territory or possession thereof, at any designated place of hearing.

(4) In case of contumacy or refusal to obey a subpoena issued to any person under this title, any district court of the United States as constituted by chapter 5, title 28, United States Code (28 U. S. C. 81 and the following), or the United States court of any Territory or other place subject to the jurisdiction of the United States, within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commissioner, shall have jurisdiction to issue to such person an order requiring him to appear before the Commissioner, or his designated representative, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing.

(5) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpoena of the Commissioner on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

(h) After the hearing is completed the Commissioner shall file an intermediate report which shall contain his findings of fact and conclusions upon the issues in the proceeding. A copy of such report shall be served on the parties to the proceeding. Any such party within twenty days thereafter may file with the Commissioner exceptions to the findings of fact and conclusions, with a brief in support thereof, or may file a brief in support of such findings of fact and conclusions.

(i) If, upon all the evidence, the Commissioner shall determine that the respondent has engaged in an unfair educational practice, the Commissioner shall state his findings of fact and conclusions and shall issue and cause to be served upon such respondent a copy of such findings and conclusions and an order terminating, at the conclusion of the applicable school year, all programs of Federal aid of which such respondent is the beneficiary.

(j) If, upon all the evidence, the Commissioner shall find that a respondent has not engaged in any unfair educational practice, the Commissioner shall state his findings of fact and conclusions and shall issue and cause to be served on the petitioner and respondent a copy of such findings and conclusions, and an order dismissing the complaint as to such respondent.

JUDICIAL REVIEW

SEC. 507. (a) Any respondent aggrieved by a final order of the Commissioner may obtain a review of such order in any United States court of appeals of the judicial circuit wherein the unfair educational practice in question was alleged to have been engaged in or wherein such respondent is located, by filing in such court a written petition praying that the order of the Commissioner be modified or set aside. A copy of such petition shall be forthwith served upon the Commissioner and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commissioner, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commissioner.

(b) Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act; and shall have jurisdiction of the proceeding and of the questions determined therein and shall have the power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commissioner.

(c) No objection that has not been urged before the Commissioner, or his representative, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commissioner, or his representa-

tive, the court may order such additional evidence to be taken before the Commissioner, or his representative, and to be made a part of the transcript.

(e) The Commissioner may modify his findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and he shall file such modified or new findings and his recommendations, if any, for the modification or setting aside of its original order.

(f) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals, if application was made to the district court or other United States court as hereinabove provided, and by the Supreme Court of the United States as provided in title 28, United States Code, section 1254.

(g) The commencement of proceedings under subsection (a) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commissioner's order.

MISCELLANEOUS PROVISIONS

SEC. 508. This title shall take effect at the beginning of the semester or academic year, as the case may be, following its enactment for each educational institution to which it is applicable.

AMENDMENTS TO PUBLIC LAWS 874 AND 815 (81ST CONGRESS)

SEC. 509. Section 8 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, is hereby further amended by adding a new subsection "(e)" to read as follows:

"(e) In carrying out his functions under this Act the Commissioner shall not make any payments or certify for any payments any local educational agency which discriminates among pupils or prospective pupils by reason of their race, religion, color, or national origin or segregates pupils or prospective pupils by virtue thereof."

SEC. 510. The Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended, is hereby further amended by inserting in subsection (a) of section 207, after the finding numbered (3) thereof, the following: "or (4) that there is discrimination or segregation among pupils or prospective pupils by reason of race, religion, color, or national origin."

TITLE VI—MAKING UNLAWFUL THE REQUIREMENT FOR THE PAYMENT OF A POLL TAX AS A PREREQUISITE TO VOTING IN A PRIMARY OR OTHER ELECTION FOR NATIONAL OFFICERS

SEC. 601. This title may be cited as the "Federal Anti-Poll-Tax Act".

SEC. 602. The requirement that a poll tax be paid as a prerequisite to voting or registering to vote at primaries or other elections for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and other elections for said national officers and a tax upon the right or privilege of voting for said national officers and an impairment of the republican form of government.

SEC. 603. It shall be unlawful for any State, municipality, or other government or governmental subdivision to prevent any person from voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, on the ground that such person has not paid a poll tax, and any such requirement shall be invalid and void insofar as it purports to disqualify any person otherwise qualified to vote in such primary or other election. No State, municipality, or other government or governmental subdivision shall levy a poll tax or any other tax on the right or privilege of voting in such primary or other election, and any such tax shall be invalid and void insofar as it purports to disqualify any person otherwise qualified from voting at such primary or other election.

SEC. 604. It shall be unlawful for any State, municipality, or other government or governmental subdivision to interfere with the manner of selecting persons for national office by requiring the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President, or for Senator or Member

of the House of Representatives, and any such requirement shall be invalid and void.

SEC. 605. It shall be unlawful for any person, whether or not acting under the cover of authority of the laws of any State, municipality, or other government or governmental subdivision, to require the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives.

SEC. 606. For the purposes of this title, the payment, levying, or requirement of a poll tax shall be construed to include any charge of any kind upon the right to vote or to register for voting, in any form or evidence of liability to a poll tax or to any other charge upon the right to vote or to register for voting.

TITLE VII—TO PROHIBIT SEGREGATION AND DISCRIMINATION IN HOUSING BECAUSE OF RACE, RELIGION, COLOR, OR NATIONAL ORIGIN

SEC. 701 Notwithstanding the provisions of any other law—

(1) No home mortgage shall be insured or guaranteed by the United States or any agency thereof, or by any United States Government corporation, unless the mortgagor certifies under oath that in selecting purchasers or tenants for any property covered by the mortgage he will not discriminate against any person or family by reason of race, color, religion, or national origin, and that he will not sell the property while the insurance is in effect unless the purchaser so certifies, such certification to be filed with the appropriate authority responsible for such insurance; and

(2) In the administration of the National Housing Act, as amended, the Federal Home Loan Bank Act, as amended, the United States Housing Act of 1937, as amended, the Housing Acts of 1949 and 1950, as amended, the Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940, as amended, and the Servicemen's Readjustment Act of 1944, as amended, it shall be the policy of the United States that there shall be no discrimination affecting any tenant, owner, borrower, or recipient or beneficiary of a mortgage guaranty by reason of race, color, religion, or national origin, or segregation by virtue thereof, nor shall there be any discrimination or segregation by reason of race, color, religion, or national origin in the provision, operation, and maintenance of community facilities or housing under the provisions of the Defense Housing and Community Facilities and Services Act of 1951.

TITLE VIII—PROVISIONS TO STRENGTHEN THE FEDERAL GOVERNMENT MACHINERY FOR THE PROTECTION OF CIVIL RIGHTS

ESTABLISHMENT OF A COMMISSION ON CIVIL RIGHTS IN THE EXECUTIVE BRANCH OF THE GOVERNMENT

SEC. 801. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the President by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in the office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC. 802 It shall be the duty and function of the Commission to gather timely and authoritative information concerning social and legal developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights; and to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect

civil rights. The Commission shall make an annual report to the President on its findings and recommendations, and it may in addition from time to time, as as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil-rights matter.

SEC. 803. (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) The Commission shall have authority to accept and utilize the services of voluntary and uncompensated personnel and to pay any such personnel actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

(c) Within the limitations of its appropriations, the Commission is authorized to appoint a full-time staff director and such other personnel, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

REORGANIZATION OF CIVIL RIGHTS ACTIVITIES OF THE DEPARTMENT OF JUSTICE

SEC. 811. There shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States.

SEC. 812. The personnel of the Federal Bureau of Investigation of the Department of Justice shall be increased to the extent necessary to carry out effectively the duties of such Bureau with respect to the investigation of civil-rights cases under applicable Federal law. Such Bureau shall include in the training of its agents appropriate training and instructions, to be approved by the Attorney General, in the investigation of civil-rights cases.

CREATION OF A JOINT CONGRESSIONAL COMMITTEE ON CIVIL RIGHTS

SEC. 821. There is established a Joint Committee on Civil Rights (hereinafter called the "Joint Committee"), to be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. Not more than four members on the Joint Committee in the Senate and House of Representatives, respectively, shall belong to one political party.

SEC. 822. It shall be the function of the Joint Committee to make a continuing study of matters relating to civil rights, including the rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to study means of improving respect for and enforcement of civil rights; and to advise with the several committees of the Congress dealing with legislation relating to civil rights.

SEC. 823. Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original selection. The Joint Committee shall select a Chairman and a Vice Chairman from among its members.

SEC. 824. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, as it deems advisable. The provisions of sections 102 to 104, inclusive, of the Revised Statutes, as amended (2 U. S. C. 192, 193, 194), shall apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section. Within the limitations of its appropriations, the Joint Committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistance, to procure such printing and binding, and to make such expenditures,

as, in its discretion, it deems necessary and advisable. The cost of stenographic service to report hearings of the Joint Committee, or any subcommittee thereof, shall not exceed 25 cents per hundred words.

Sec. 825 Funds appropriated to the Joint Committee shall be disbursed by the Secretary of the Senate on vouchers signed by the Chairman and Vice Chairman.

Sec. 826. The Joint Committee may constitute such advisory committees and may consult with such representatives of State and local governments and private organizations as it deems advisable.

[H. R. 702, 84th Cong., 1st sess.]

A BILL To protect the right of individuals to be free from discrimination or segregation by reason of race, color, religion, or national origin

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds that, despite the continuing progress of our Nation with respect to protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States are being denied, abridged, or threatened, and that such infringements upon the American principle of freedom and equality endanger our form of government and are destructive of the basic doctrine of the integrity and dignity of the individual upon which this Nation was founded and which distinguishes it from the totalitarian nations. The Congress recognizes that it is essential to the national security and the general welfare that this gap between principle and practice be closed; and that more adequate protection of the civil rights of individuals be provided to preserve our American heritage, halt the undermining of our constitutional guarantees, and prevent serious damage to our moral, social, economic, and political life, and to our international relations.

(b) The Congress, therefore, declares that it is its purpose to strengthen and secure the civil rights of the people of the United States under the Constitution, and that it is the national policy to protect the right of the individual to be free from discrimination or segregation based upon race, color, religion, or national origin.

(c) The Congress further declares that the succeeding provisions of this Act are necessary for the following purposes:

(i) To insure the more complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States, and to enforce the provisions of the Constitution.

(ii) To safeguard to the several States and Territories of the United States a republican form of government from the lawless conduct of persons threatening to destroy the several systems of public criminal justice and frustrate the functioning thereof through duly constituted officials.

(iii) To promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race or religion, in accordance with the undertaking of the United States under the United Nations Charter.

(d) To the end that these policies may be effectively carried out by a positive program of Federal action the provisions of this Act are enacted.

SEC. 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

TITLE I—FOR THE BETTER ASSURANCE OF THE PROTECTION OF CITIZENS OF THE UNITED STATES AND OTHER PERSONS WITHIN THE SEVERAL STATES FROM MOB VIOLENCE AND LYNCHING, AND FOR OTHER PURPOSES

SEC. 101. The provisions of this title are enacted in exercise of the power of Congress to enforce, by appropriate legislation, the provisions of the fourteenth amendment to the Constitution of the United States and for the purpose of better assuring by the several States under said amendment equal protection and due process of law to all persons charged with or suspected or convicted of any offense within their jurisdiction.

DEFINITIONS

SEC. 102. Any assemblage of two or more persons which shall, without authority of law, (a) commit or attempt to commit violence upon the person of any citizen or citizens of the United States because of his or their race, religion, color, national origin, ancestry, or language, or (b) exercise or attempt to exercise, by physical violence against the person, any power of correction or punishment over any citizen or citizens of the United States or other person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any criminal offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, or of imposing a punishment not authorized by law, shall constitute a lynch mob within the meaning of this title. Any such violence by a lynch mob shall constitute lynching within the meaning of this title.

PUNISHING FOR LYNCHING

SEC. 103. Any person whether or not a member of a lynch mob who willfully instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, and any member of a lynch mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding \$10,000 or by imprisonment not exceeding twenty years, or by both such fine and imprisonment.

PUNISHMENT FOR FAILURE TO PREVENT LYNCHING

SEC. 104. Whenever a lynching shall occur, any officer or employee of a State or any governmental subdivision thereof, who shall have been charged with the duty or shall have possessed the authority as such officer or employee to prevent the lynching, but shall have neglected, refused, or willfully failed to make all diligent efforts to prevent the lynching, and any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched and shall have neglected, refused, or willfully failed to make all diligent efforts to protect such person or persons from lynching, any any officer or employee of a State or governmental subdivision thereof who, in violation of his duty as such officer or employee, shall neglect, refuse, or willfully fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment.

DUTY OF ATTORNEY GENERAL OF THE UNITED STATES

SEC. 105. Whenever a lynching of any person or persons shall occur, and information on oath is submitted to the Attorney General of the United States that any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching, or who shall have had custody of the person or persons lynched, has neglected, refused, or willfully failed to make all diligent efforts to protect such person or persons from lynching or that any officer or employee of a State or governmental subdivision thereof, in violation of his duty as such officer or employee, has neglected, refused, or willfully failed to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, the Attorney General of the United States shall cause an investigation to be made to determine whether there has been any violation of this title.

COMPENSATION FOR VICTIMS OF LYNCHING

SEC. 106. (1) Every governmental subdivision of a State to which the State shall have delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction. Every such governmental subdivision shall also be responsible for any lynching which follows upon the seizure and abduction of the victim or victims within its territorial jurisdiction, irrespective of whether such lynching occurs within its territorial jurisdiction or not. Any such governmental subdivision which shall fail to prevent any such lynchings or any such seizure and abduction followed by lynching shall be liable to each individual who suffers injury to his or her person, or to his or her next

of kin if such injury results in death, for a sum of not less than \$2,000 and not more than \$10,000 as monetary compensation for such injury or death: *Provided, however,* That the governmental subdivision may prove by a preponderance of evidence as an affirmative defense that the officers thereof charged with the duty of preserving the peace, and the citizens thereof, when called upon by any such officer, used all diligence and all powers vested in them for the protection of the person lynched: *And provided further,* That the satisfaction of judgment against one governmental subdivision responsible for a lynching shall bar further proceedings against any other governmental subdivision which may also be responsible for that lynching.

(2) Liability arising under this section may be enforced and the compensation herein provided for may be recovered in a civil action in the United States district court for the judicial district of which the defendant governmental subdivision is a part. Such action shall be brought and prosecuted by the Attorney General of the United States in the name of the United States for the use of the real party in interest, or, if the claimant or claimants shall so elect, by counsel employed by the claimant or claimants, but in any event without prepayment of costs. If the amount of any such judgment shall not be paid upon demand, payment thereof may be enforced by any process available under the State law for the enforcement of any other money judgment against such governmental subdivision. Any officer of such governmental subdivision or any other person who shall disobey or fail to comply with any lawful order or decree of the court for the enforcement of the judgment shall be guilty of contempt of that court and punished accordingly. The cause of action accruing hereunder to a person injured by lynching shall not abate with the subsequent death of that person before final judgment but shall survive to his or her next of kin. For the purpose of this title the next of kin of a deceased victim of lynching shall be determined according to the laws of intestate distribution in the State of domicile of the decedent. Any judgment or award under this title shall be exempt from all claims of creditors.

(3) Any judge of the United States district court for the judicial district wherein any suit shall be instituted under the provisions of this title may by order direct that such suit be tried in any place in such district as he may designate in such order: *Provided,* That no such suit shall be tried within the territorial limits of the defendant governmental subdivision.

Sec. 107. The crime defined in and punishable under the Act of June 22, 1932 (47 Stat. 326), as amended by the Act of May 18, 1934 (48 Stat. 781), shall include the transportation in interstate or foreign commerce of any person unlawfully abducted and held for purposes of punishment, correction, or intimidation

SHORT TITLE

Sec. 108. This title may be cited as the "Federal Anti-Lynching Act."

TITLE II—PROVISIONS TO STRENGTHEN PROTECTION OF THE INDIVIDUAL'S RIGHTS TO LIBERTY, SECURITY, CITIZENSHIP AND ITS PRIVILEGES

AMENDMENTS AND SUPPLEMENTS TO EXISTING CIVIL-RIGHTS STATUTES

Sec. 201. Title 18, United States Code, section 241, is amended to read as follows:

"Sec 241. (a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, such person shall be fined not more than \$1,000

or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) Any person or persons violating the provisions of subsections (a) and (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States."

SEC. 202. Title 18, United States Code, section 242, is amended to read as follows:

"SEC. 242 Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged"

SEC. 203. Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

"SEC. 242A. The rights, privileges, and immunities referred to in title 18, United States Code, section 242, shall be deemed to include, but shall not be limited to, the following:

"(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

"(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial and upon conviction and sentence pursuant to due process of law.

"(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses.

"(4) The right to be free of illegal restraint of the person.

"(5) The right to protection of person and property without discrimination by reason of race, color, religion, or national origin.

"(6) The right to vote as protected by Federal law"

SEC. 204 Title 18, United States Code, section 1583, is amended to read as follows:

"SEC. 1583. Whoever holds or kidnaps or carries away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave; or

"Whoever entices, persuades, or induces any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he may be made a slave or held in involuntary servitude, shall be fined not more than \$5,000, or imprisoned not more than five years, or both"

PROTECTION OF RIGHT TO POLITICAL PARTICIPATION

SEC. 211. Title 18, United States Code, section 594, is amended to read as follows:

"SEC. 594. Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 212. Section 2004 of the Revised Statutes (8 U. S. C. 31) is amended to read as follows:

"All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality or other Territorial subdivision, without distinction, direct or indirect, based on race, color, religion, or national origin; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (8 U. S. C. 43), and other applicable provisions of law."

SEC. 213. In addition to the criminal penalties provided, any person or persons violating the provisions of section 211 of this part shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The provisions of sections 211 and 212 of this part shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States.

PROHIBITION AGAINST DISCRIMINATION OF SEGREGATION IN INTERSTATE TRANSPORTATION

SEC. 221. (a) All persons traveling within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, and privileges of any public conveyance operated by a common carrier engaged in interstate or foreign commerce, and all the facilities furnished or connected therewith, subject only to conditions and limitations applicable alike to all persons, without discrimination or segregation based on race, color, religion, or national origin.

(b) Whoever, whether acting in a private, public, or official capacity, denies or attempts to deny to any person traveling within the jurisdiction of the United States the full and equal enjoyment of any accommodation, advantage, or privilege of a public conveyance operated by a common carrier engaged in interstate or foreign commerce, except for reasons applicable alike to all persons of every race, color, religion, or national origin, or whoever incites or otherwise participates in such denial or attempt, shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

SEC. 222. It shall be unlawful for any common carrier engaged in interstate or foreign commerce, or any officer, agent, or employee thereof, to segregate, or attempt to segregate, or otherwise discriminate against passengers using any public conveyance or facility of such carrier engaged in interstate or foreign commerce, on account of the race, color, religion, or national origin of such passengers. Any such carrier or officer, agent, or employee thereof who segregates or attempts to segregate such passengers or otherwise discriminate against them on account of race, color, religion, or national origin shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any

Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

TITLE III—TO PROHIBIT DISCRIMINATION IN EMPLOYMENT BECAUSE OF RACE, RELIGION, COLOR, NATIONAL ORIGIN, OR ANCESTRY

SHORT TITLE

SEC 301 This title may be cited as the "National Act Against Discrimination in Employment"

FINDINGS AND DECLARATION OF POLICY

SEC 302. (a) The Congress hereby finds that the practice of discriminating in employment against properly qualified persons because of their race, religion, color, national origin, or ancestry is contrary to the American principles, of liberty and of equality of opportunity, is incompatible with the Constitution, forces large segments of our population into substandard conditions of living, foments industrial strife and domestic unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects the domestic and foreign commerce of the United States.

(b) The right to employment without discrimination because of race, religion, color, national origin, or ancestry is hereby recognized as and declared to be a civil right of all the people of the United States.

(c) It is hereby declared to be the policy of the United States to protect the right recognized and declared in subdivision (b) hereof and to eliminate all such discrimination to the fullest extent permitted by the Constitution. This title shall be construed to effectuate such policy.

DEFINITIONS

SEC. 303. As used in this title—

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or any organized group of persons and any agency or instrumentality of the United States or of any Territory or possession thereof,

(b) The term "employer" means a person engaged in commerce or in operations affecting commerce having in his employ fifty or more individuals, any agency or instrumentality of the United States or of any Territory or possession thereof; and any person acting in the interest of an employer, directly or indirectly.

(c) The term "labor organization" means any organization, having fifty or more members employed by any employer or employers, which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, or for other mutual aid or protection in connection with employment.

(d) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between any State, Territory, or the District of Columbia and any place outside thereof; or within the District of Columbia or any Territory, or between points in the same State but through any point outside thereof

(e) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce.

(f) The term "Commission" means that National Commission Against Discrimination in Employment, created by section 306 hereof.

EXEMPTIONS

SEC. 304. This Act shall not apply to any State or municipality or political subdivision thereof, or to any religious, charitable, fraternal, social, educational, or sectarian corporation or association, not organized for private profit, other than labor organizations.

UNLAWFUL EMPLOYMENT PRACTICES DEFINED

SEC. 305. (a) It shall be unlawful employment practice for an employer—

(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employ-

ment, because of such individual's race, religion, color, national origin, or ancestry;

(2) to utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school or center, labor organization, or any other source which discriminates against such individuals because of their race, religion, color, national origin, or ancestry.

(b) It shall be an unlawful employment practice for any labor organization to discriminate against any individual or to limit, segregate, or classify its membership in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or would affect adversely his wages, hours, or employment conditions, because of such individual's race, religion, color, national origin, or ancestry.

(c) It shall be an unlawful employment practice for any employer or labor organization to discharge, expel, or otherwise discriminate against any person, because he has opposed any unlawful employment practice or has filed a charge, testified, participated, or assisted in any proceeding under this title.

THE NATIONAL COMMISSION AGAINST DISCRIMINATION IN EMPLOYMENT

SEC. 306 (a) There is hereby created a commission to be known as the National Commission Against Discrimination in Employment, which shall be composed of seven members who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years, but their successors shall be appointed for terms of seven years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the cases it has heard; the decisions it has rendered, the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) Each member of the Commission shall receive a salary of \$10,000 a year.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents as it may designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States. Any such agent designated to conduct a proceeding or a hearing shall be a resident of the Federal judicial circuit, as defined in sections 116 and 308 of the Judicial Code, as amended (U. S. C. Annotated, title 28, secs. 211 and 450), within which the alleged unlawful employment practice occurred.

(g) The Commission shall have power—

(1) to appoint such agents and employees as it deems necessary to assist it in the performance of its functions;

(2) to cooperate with regional, State, local, and other agencies;

(3) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(4) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or any order issued thereunder;

(5) upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of

this title, to assist in such effectuation by conciliation or other remedial action;

(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to interested governmental and nongovernmental agencies; and

(7) to create such local, State, or regional advisory and conciliation councils as in its judgment will aid in effectuating the purpose of this title, and the Commission may empower them to study the problem or specific instances of discrimination in employment because of race, religion, color, national origin, or ancestry and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population, and make recommendations to the Commission for the development of policies and procedures in general and in specific instances. Such advisory and conciliation councils shall be composed of representative citizen residents of the area for which they are appointed, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the Commission may make provision for technical and clerical assistance to such councils and for the expense of such assistance.

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 307. (a) Whenever a sworn written charge has been filed by or on behalf of any person claiming to be aggrieved, or a written charge has been filed by a member of the Commission, that any person subject to the title has engaged in any unlawful employment practice, the Commission shall investigate such charge and if it shall determine after such preliminary investigation that probable cause exists for crediting such written charge, it shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during such endeavors may be used as evidence in any subsequent proceeding.

(b) If the Commission fails to effect the elimination of such unlawful employment practice and to obtain voluntary compliance with this title, or in advance thereof if circumstances so warrant, it shall cause a copy of such written charge to be served upon such person who has allegedly committed any unlawful employment practice, hereinafter called the respondent, together with a notice of hearing before the Commission, or a member thereof, or before a designated agent, at a place therein fixed, not less than ten days after the service of such charge.

(c) The member of the Commission who filed a charge shall not participate in a hearing thereon or in a trial thereof.

(d) At the conclusion of a hearing before a member or designated agent of the Commission the entire record thereof shall be transferred to the Commission, which shall designate three of its qualified members to sit as the Commission and to hear on such record the parties at a time and place to be specified upon reasonable notice.

(e) All testimony shall be taken under oath.

(f) The respondent shall have the right to file a verified answer to such written charge and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

(g) The Commission or the member or designated agent conducting such hearing shall have the power reasonably and fairly to amend any written charge, and the respondent shall have like power to amend its answer.

(h) Any written charge filed pursuant to this section must be filed within one year after the commission of the alleged unlawful employment practice.

(i) If upon the record, including all the testimony taken, the Commission shall find that any person named in the written charge has engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring him to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay, as will effectuate the policies of the title. If upon the record, including all the testimony taken, the Commission shall find that no person named in the written charge has engaged or is engaging in any unlawful employment practice, the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

(j) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Commission may at any time, upon reasonable

notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(k) The proceedings held pursuant to this section shall be conducted in conformity with the standards and limitations of sections 5, 6, 7, and 8 of the Administrative Procedure Act, Public Law 404, Seventy-ninth Congress, June 11, 1946.

JUDICIAL REVIEW

SEC. 308. (a) The Commission shall have power to petition any circuit court of appeals of the United States (including the Court of Appeals of the District of Columbia) or, if the circuit court of appeals to which application might be made is in vacation, any district court of the United States (including the Supreme Court of the District of Columbia) within any circuit where in the unlawful employment practice in question occurred, or wherein the respondent transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10c and 10e of the Administrative Procedure Act.

(b) Upon such filing, the court shall cause notice thereof to be served upon such respondent and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(c) No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or agent, the court may order such additional evidence to be taken before the Commission, its member, or agent and to be made a part of the transcript.

(e) The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings and its recommendations, if any, for the modification or setting aside of its original order.

(f) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals, if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs 346 and 347).

(g) Any person aggrieved by a final order of the Commission may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unlawful employment practice in question was alleged to have been engaged in or wherein such person transacts business, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commission, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (a), and shall have the same exclusive jurisdiction to grant to the petitioner or the Commission such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(h) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limita-

tions established by sections 10a and 10b of the Administrative Procedure Act.

(1) The commencement of proceedings under subsection (a) or (g) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

INVESTIGATORY POWERS

SEC. 309. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this title, the Commission, or any member thereof, shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, or agent conducting such investigation, proceeding, or hearing.

(b) Any member of the Commission, or any agent designated by the Commission for such purposes, may administer oaths, examine witnesses, and receive evidence.

(c) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(d) In case of contumacy or refusal to obey a subpoena issued to any person under this title, any district court of the United States, or the United States courts of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring him to appear before the Commission, its member, or agent, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing.

(e) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty of forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, or testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

ENFORCEMENT OF ORDERS DIRECTED TO GOVERNMENT AGENCIES

SEC. 310. The provisions of section 308 shall not apply with respect to an order of the Commission under section 307 directed to any agency or instrumentality of the United States, or of any Territory or possession thereof, or any officer or employee thereof. The Commission may request the President to take such action as he deems appropriate to obtain compliance with such orders. The President shall have power to provide for the establishment of rules and regulations to prevent the committing or continuing of any unlawful employment practice as herein defined by any person who makes a contract with any agency or instrumentality of the United States (excluding any State or political subdivision thereof) or of any Territory or possession of the United States, which contract requires the employment of at least fifty individuals. Such rules and regulations shall be enforced by the Commission according to the procedure hereinbefore provided.

NOTICES TO BE POSTED

SEC. 311 (a) Every employer and labor organization shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the Commission setting forth excerpts of the title and such other relevant information which the Commission deems appropriate to effectuate the purposes of the title.

(b) A willful violation of this section shall be punishable by a fine of not less than \$100 or more than \$500 for each separate offense.

VETERANS' PREFERENCE

SEC. 312 Nothing contained in this title shall be construed to repeal or modify any Federal or State law creating special rights or preferences for veterans.

RULES AND REGULATIONS

SEC. 313. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of this title. If at any time after the issuance of any such regulation or any amendment or rescission thereof, there is passed a concurrent resolution of the two Houses of the Congress stating in substance that the Congress disapproves such regulation, amendment, or rescission, such disapproved regulation, amendment, or rescission shall not be effective after the date of the passage of such concurrent resolution nor shall any regulation or amendment having the same effect as that concerning which the concurrent resolution was passed be issued thereafter by the Commission.

(b) Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC. 314. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with a member, agent, or employee of the Commission while engaged in the performance of duties under this title, or because of such performance, shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or by both.

TITLE IV—TO PROHIBIT DISCRIMINATION OR SEGREGATION IN THE ARMED SERVICES

SEC. 401 Notwithstanding the provisions of any other law there shall be no discrimination against or segregation of any person in the armed services of the United States, or the units thereof, or the reserve components thereof, by reason of the race, religion, color, or national origin of such person.

TITLE V—TO ELIMINATE SEGREGATION AND DISCRIMINATION IN OPPORTUNITIES FOR HIGHER AND OTHER EDUCATION

SEC. 501 This title may be cited as the "Educational Opportunities Act of 1952."

FINDINGS AND DECLARATION OF POLICY

SEC. 502 The Congress hereby finds and declares that the American idea of equality of opportunity requires that students otherwise qualified be admitted to educational institutions without regard to race, color, religion, or national origin, except that with regard to religious or denominational education institutions, students otherwise qualified shall have the equal opportunity to attend therein without discrimination because of race, color, or national origin, it being recognized as a fundamental right for members of various religious faiths to establish and maintain educational institutions exclusively or primarily for students of their own religious faith or to advocate the religious principles in furtherance of which they are maintained and nothing herein contained shall impair or abridge that right.

DEFINITIONS

SEC. 503. As used in this title—

(a) "Educational institution" means any educational institution of postsecondary grade subject to the visitation, examination, or inspection by the appropriate State agency supervising education within each State.

(b) "Religious or denominational educational institution" means an educational institution which is operated, supervised, or controlled by a religious or denominational organization and which has certified to the appropriate State commissioner of education, or official performing similar duties, that it is a religious or denominational educational institution.

UNFAIR EDUCATIONAL PRACTICES

SEC. 504. (a) It shall be an unfair educational practice for an educational institution—

(1) to exclude, limit, or otherwise discriminate against any person or persons seeking admission as students to such institution because of race, religion, color, or national origin, except that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its students exclusively or primarily from members of such religion or denomination, or from giving preference in such selection to such members, or to make such selection of its students as is calculated by such institution to promote the religious principles for which it is established or maintained; and

(2) to penalize any individual because he has initiated, testified, participated, or assisted in any proceedings under this title

(b) It shall not be an unfair educational practice for any educational institution to use criteria other than race, religion, color, or national origin in the admission of students

CERTIFICATION OF RELIGIOUS AND DENOMINATIONAL INSTITUTIONS

SEC. 505. An educational institution operated, supervised, or controlled by a religious or denominational organization may, through its chief executive officer, certify in writing to the Commissioner of Education (hereinafter referred to as the "Commissioner") that it is so operated, controlled, or supervised, and that it elects to be considered a religious or denominational educational institution, and it thereupon shall be deemed such an institution for the purposes of this section.

PROCEDURE

SEC. 506. (a) Any person seeking admission as a student, who claims to be aggrieved by an alleged unfair educational practice (hereinafter referred to as the "petitioner"), may himself, or by his parent, or guardian, make, sign, and file with the Commissioner a verified petition which shall set forth the particulars thereof and contain such other information as may be required by the Commissioner. The Commissioner shall thereupon cause an investigation to be made in connection therewith, and after such investigation if he shall determine that probable cause exists for crediting the allegations of the petition, he shall attempt by informal methods of persuasion, conciliation, or mediation to induce the elimination of such alleged unfair educational practice.

(b) Where the Commissioner has reason to believe that an applicant or applicants have been discriminated against, except that preferential selection by religious or denominational institutions of students of their own religion or denomination shall not be considered an act of discrimination, he may initiate an investigation on his own motion

(c) The Commissioner shall not disclose what takes place during such informal efforts at persuasion, conciliation, or mediation, nor shall he offer in evidence in any proceeding the facts adduced in such informal efforts.

(b) A petition pursuant to this section must be filed with the Commissioner within one year after the alleged unfair educational practice was committed.

(e) If such informal methods fail to induce the elimination of an alleged unfair educational practice, the Commissioner shall issue and cause to be served upon such institution, hereinafter called the respondent, a complaint setting forth the alleged unfair educational practice charged and a notice of hearing before the Commissioner, or his designated representative, at a place therein fixed to be held not less than twenty days after the service of said complaint. Any complaint issued pursuant to this section must be issued within two years after the alleged unfair educational practice was committed.

(f) The respondent shall have the right to answer the original and any amended complaint and to appear at such hearing by counsel, present evidence, and examine and cross-examine witnesses.

(g) (1) For the purpose of all investigations, proceedings, or hearings which the Commissioner deems necessary or proper for the exercise of the powers vested in him by this title, the Commissioner, or his designated representative, shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commissioner, or his designated representative, conducting such investigation, proceeding, or hearing.

(2) The Commissioner, or the representative designated by the Commissioner for such purposes, may administer oaths, examine witnesses, and receive evidence.

(3) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States, including the District of Columbia, or any Territory or possession thereof, at any designated place of hearing.

(4) In case of contumacy or refusal to obey a subpoena issued to any person under this title, any district court of the United States, as constituted by chapter 5, title 28, United States Code (28 U. S. C 81 and the following), or the United States court of any Territory or other place subject to the jurisdiction of the United States, within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commissioner, shall have jurisdiction to issue to such person an order requiring him to appear before the Commissioner, or his designated representative, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing.

(5) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpoena of the Commissioner on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

(h) After the hearing is completed the Commissioner shall file an intermediate report which shall contain his findings of fact and conclusions upon the issues in the proceeding. A copy of such report shall be served on the parties to the proceeding. Any such party within twenty days thereafter may file with the Commissioner exceptions to the findings of fact and conclusions, with a brief in support thereof, or may file a brief in support of such finding of fact and conclusions.

(i) If, upon all the evidence, the Commissioner shall determine that the respondent has engaged in an unfair educational practice, the Commissioner shall state his findings of fact and conclusions and shall issue and cause to be served upon such respondent a copy of such findings and conclusions and an order terminating, at the conclusion of the applicable school year, all programs of Federal aid of which such respondent is the beneficiary.

(j) If, upon all the evidence, the Commissioner shall find that a respondent has not engaged in any unfair educational practice, the Commissioner shall state his findings of fact and conclusions and shall issue and cause to be served on the petitioner and respondent a copy of such findings and conclusions, and a order dismissing the complaint as to such respondent.

JUDICIAL REVIEW

SEC. 507. (a) Any respondent aggrieved by a final order of the Commissioner may obtain a review of such order in any United States court of appeals of the judicial circuit wherein the unfair educational practice in question was alleged to have been engaged in or wherein such respondent is located, by filing in such court a written petition praying that the order of the Commissioner be modified or set aside. A copy of such petition shall be forthwith served upon the Commissioner and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commissioner, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commissioner.

(b) Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act; and shall have jurisdiction of the proceeding and of the questions determined therein and shall have the power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commissioner.

(c) No objection that has not been urged before the Commissioner, or his representative, shall be considered by the court, unless the failure or neglect to urge such objections shall be excused because of extraordinary circumstances.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commissioner, or his representative, the court may order such additional evidence to be taken before the Commissioner, or his representative, and to be made a part of the transcript.

(e) The Commissioner may modify his findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and he shall file such modified or new findings and his recommendations, if any, for the modification or setting aside of its original order.

(f) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals, if application was made to the district court or other United States court as hereinabove provided, and by the Supreme Court of the United States as provided in title 28, United States Code, section 1254.

(g) The commencement of proceedings under subsection (a) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commissioner's order.

MISCELLANEOUS PROVISIONS

SEC. 508. This title shall take effect at the beginning of the semester or academic year, as the case may be, following its enactment for each education institution to which it is applicable.

AMENDMENTS TO PUBLIC LAWS 874 AND 815 (81ST CONGRESS)

SEC. 509. Section 8 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, is hereby further amended by adding a new subsection "(e)" to read as follows:

"(e) In carrying out his functions under this Act the Commissioner shall not make any payments or certify for any payments any local educational agency which discriminates among pupils or prospective pupils by reason of their race, religion, color, or national origin or segregates pupils or prospective pupils by virtue thereof."

SEC. 510. The Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended, is hereby further amended by inserting in subsection (a) of section 207, after the finding numbered (3) thereof, the following: ", or (4) that there is discrimination or segregation among pupils or prospective pupils by reason of race, religion, color, or national origin."

TITLE VI—MAKING UNLAWFUL THE REQUIREMENT FOR THE PAYMENT OF A POLL TAX AS A PREREQUISITE TO VOTING IN A PRIMARY OR OTHER ELECTION FOR NATIONAL OFFICERS

SEC. 601. This title may be cited as the "Federal Anti-Poll-Tax Act."

SEC. 602. The requirement that a poll tax be paid as a prerequisite to voting or registering to vote at primaries or other elections for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and other elections for said national officers and a tax upon the right or privilege of voting for said national officers and an impairment of the republican form of government.

SEC. 603. It shall be unlawful for any State, municipality, or other government or governmental subdivision to prevent any person from voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, on the ground that such person has not paid a poll tax, and any such requirement shall be invalid and void insofar as it purports to disqualify any person otherwise qualified to vote in such primary or other election. No State, municipality, or other government or governmental subdivision shall levy a poll tax or any other tax on the right or privilege of voting in such primary or other

election, and any such tax shall be invalid and void insofar as it purports to disqualify any person otherwise qualified from voting at such primary or other election

SEC. 604. It shall be unlawful for any State, municipality, or other government or governmental subdivision to interfere with the manner of selecting persons for national office by requiring the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, and any such requirement shall be invalid and void.

SEC. 605. It shall be unlawful for any person, whether or not acting under the cover of authority of the laws of any State, municipality, or other government or governmental subdivision, to require the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives.

SEC. 606. For the purposes of this title, the payment, levying, or requirement of a poll tax shall be construed to include any charge of any kind upon the right to vote or to register for voting, in any form or evidence of liability to a poll tax or to any other charge upon the right to vote or to register for voting.

TITLE VII—TO PROHIBIT SEGREGATION AND DISCRIMINATION IN HOUSING BECAUSE OF RACE, RELIGION, COLOR, OR NATIONAL ORIGIN

SEC. 701. Notwithstanding the provisions of any other law—

(1) No home mortgage shall be insured or guaranteed by the United States or any agency thereof, or by any United States Government corporation, unless the mortgagor certifies under oath that in selecting purchasers or tenants for any property covered by the mortgage he will not discriminate against any person or family by reason of race, color, religion, or national origin, and that he will not sell the property while the insurance is in effect unless the purchaser so certifies, such certification to be filed with the appropriate authority responsible for such insurance; and

(2) In the administration of the National Housing Act, as amended, the Federal Home Loan Bank Act, as amended, the United States Housing Act of 1937, as amended, the Housing Acts of 1949 and 1950, as amended, the Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940, as amended, and the Servicemen's Readjustment Act of 1944, as amended, it shall be the policy of the United States that there shall be no discrimination affecting any tenant, owner, borrower, or recipient or beneficiary of a mortgage guaranty by reason of race, color, religion, or national origin, or segregation by virtue thereof; nor shall there be any discrimination or segregation by reason of race, color, religion, or national origin in the provision, operation, and maintenance of community facilities or housing under the provisions of the Defense Housing and Community Facilities and Services Act of 1951.

TITLE VIII—PROVISIONS TO STRENGTHEN THE FEDERAL GOVERNMENT MACHINERY FOR THE PROTECTION OF CIVIL RIGHTS

ESTABLISHMENT OF A COMMISSION ON CIVIL RIGHTS IN THE EXECUTIVE BRANCH OF THE GOVERNMENT

SEC. 801. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the President by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in the office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC 802. It shall be the duty and function of the Commission to gather timely and authoritative information concerning social and legal developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights; and to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil rights. The Commission shall make an annual report to the President on its findings and recommendations, and it may in addition from time to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil-rights matter.

SEC. 803. (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) The Commission shall have authority to accept and utilize services of voluntary and uncompensated personnel and to pay any such personnel actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

(c) Within the limitations of its appropriations, the Commission is authorized to appoint a full-time staff director and such other personnel, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

REORGANIZATION OF CIVIL RIGHTS ACTIVITIES OF THE DEPARTMENT OF JUSTICE

SEC 811. There shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States.

SEC. 812. The personnel of the Federal Bureau of Investigation of the Department of Justice shall be increased to the extent necessary to carry out effectively the duties of such Bureau with respect to the investigation of civil-rights cases under applicable Federal law. Such Bureau shall include in the training of its agents appropriate training and instructions, to be approved by the Attorney General, in the investigation of civil-rights cases.

CREATION OF A JOINT CONGRESSIONAL COMMITTEE ON CIVIL RIGHTS

SEC. 821. There is established a Joint Committee on Civil Rights (hereinafter called the "Joint Committee"), to be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. Not more than four members on the Joint Committee in the Senate and House of Representatives, respectively, shall belong to one political party.

SEC. 822. It shall be the function of the Joint Committee to make a continuing study of matters relating to civil rights, including the rights, privileges, and immunities secured and protected by the Constitution and laws of the United States; to study means of improving respect for and enforcement of civil rights; and to advise with the several committees of the Congress dealing with legislation relating to civil rights.

SEC. 823. Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original selection. The Joint Committee shall select a Chairman and a Vice Chairman from among its members.

SEC 824. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and

to take such testimony as it deems advisable. The provisions of sections 102 to 104, inclusive, of the Revised Statutes, as amended (2 U S C. 192, 193, 194), shall apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section. Within the limitations of its appropriations, the Joint Committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistance, to procure such printing and binding, and to make such expenditures, as, in its discretion, it deems necessary and advisable. The cost of stenographic service to report hearings of the Joint Committee, or any subcommittee thereof, shall not exceed 25 cents per hundred words.

SEC. 825 Funds appropriated to the Joint Committee shall be disbursed by the Secretary of the Senate on vouchers signed by the Chairman and Vice Chairman.

SEC. 826. The Joint Committee may constitute such advisory committees and may consult with such representatives of State and local governments and private organizations as it deems advisable.

[H R 259, 84th Cong, 1st sess]

A BILL To provide protection of persons from lynching, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Antilynching Act."

SEC. 2 The Congress finds as fact that the succeeding provisions of this Act are necessary—

(a) to insure the more complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States, and to enforce the provisions of the Constitution;

(b) to safeguard to the several States and Territories of the United States a republican form of government from the lawless conduct of persons threatening to destroy the several systems of public criminal justice and frustrate the functioning thereof through duly constituted officials;

(c) to promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, language, or religion, in accordance with the undertaking of the United States under the United Nations Charter, and to further the national policy in that regard by securing to all persons under the jurisdiction of the United States effective recognition of certain of the rights and freedoms proclaimed by the General Assembly of the United Nations in the Universal Declaration of Human Rights.

SEC. 3. It is hereby declared that the right to be free from lynching is a right of all persons within the jurisdiction of the United States. Such right is in addition to any similar rights they may have as citizens of any of the several States or as persons within their jurisdiction.

SEC. 4. Any assemblage of two or more persons which shall, without authority of law, (a) commit or attempt to commit violence upon any person or persons or on his or their property because of his or their race, color, religion, or national origin, or (b) exercise or attempt to exercise, by physical violence against person or property, any power of correction or punishment over any person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any criminal offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such person or persons, or of imposing a punishment not authorized by law, shall constitute a lynch mob within the meaning of this Act. Any such violence or attempt by a lynch mob shall constitute lynching within the meaning of this Act.

SEC. 5 Any person whether or not a member of a lynch mob who willfully instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, and any member of a lynch mob, shall, upon conviction, be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the wrongful conduct herein results in death or maiming, or damage to property as amounts to an infamous crime under applicable State or Territorial law. An infamous crime, for the purposes of this section, shall be deemed one which

under applicable State or Territorial law is punishable by imprisonment for more than one year.

SEC. 6 (a) Whenever a lynching shall occur, any peace officer of a State or any governmental subdivision thereof, who shall have been charged with the duty or shall have possessed the authority as such officer to prevent the acts constituting the lynching, but shall have neglected, refused, or willfully failed to make all diligent efforts to prevent the lynching, and any such officer who shall have had custody of the person or persons lynched and shall have neglected, refused, or willfully failed to make all diligent efforts to protect such person or persons from lynching, and any such officer who, in violation of his duty as such officer, shall neglect, refuse, or willfully fail to make all diligent efforts to apprehend or keep in custody the members or any member of the lynching mob, shall be guilty of a felony and, upon conviction, shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or both.

(b) Whenever a lynching shall occur in any Territory, possession, District of Columbia, or in any other area in which the United States shall exercise exclusive criminal jurisdiction, any peace officer of the United States or of such Territory, possession, District, or area, who shall have been charged with the duty or shall have possessed the authority as such officer to prevent the acts constituting the lynching, but shall have neglected, refused, or willfully failed to make all diligent efforts to prevent the lynching, and any such officer who shall have had custody of the person or persons lynched and shall have neglected, refused, or willfully failed to make all diligent efforts to protect such person or persons from lynching, and any such officer who, in violation of his duty as such officer, shall neglect, refuse, or willfully fail to make all diligent efforts to apprehend or keep in custody the members or any member of the lynching mob, shall be guilty of a felony and, upon conviction, shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or both.

SEC. 7. For the purposes of this Act, the term "peace officer" shall include those officers, their deputies, and assistants who perform the functions of police personnel, sheriffs, constables, marshals, jailers, or jail wardens, by whatever nomenclature they are designated.

SEC. 8. The crime defined in and punishable under the Act of June 22, 1932, as amended (18 U S C. 1201, 1202, 10), shall include knowingly transporting, or causing to be transported, in interstate or foreign commerce, any person unlawfully abducted and held because of his race, color, religion, or national origin, or for purposes of punishment, conviction, or intimidation.

SEC. 9. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H. R. 3304, 84th Cong, 1st sess]

A BILL For the better assurance of the protection of citizens of the United States and other persons within the several States from mob violence and lynching, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this Act are enacted in exercise of the power of Congress to enforce, by appropriate legislation, the provisions of the fourteenth amendment to the Constitution of the United States and for the purpose of better assuring by the several States under said amendment equal protection and due process of law to all persons charged with or suspected or convicted of any offense within their jurisdiction.

DEFINITIONS

SEC. 2. Any assemblage of two or more persons which shall, without authority of law (a) commit or attempt to commit violence upon the person of any citizen or citizens of the United States because of his or their race, creed, color, national origin, ancestry, language, or religion, or (b) exercise or attempt to exercise, by physical violence against the person, any power of correction or punishment over any citizen or citizens of the United States or other person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any criminal offense, with the purpose or consequence of prevent-

ing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, or of imposing a punishment not authorized by law, shall constitute a lynch mob within the meaning of this Act. Any such violence by a lynch mob shall constitute lynching within the meaning of this act.

PUNISHMENT FOR LYNCHING

SEC. 3. Any person whether or not a member of a lynch mob who willfully instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, and any member of a lynch mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding \$10,000 or by imprisonment not exceeding twenty years, or by both such fine and imprisonment.

PUNISHMENT FOR FAILURE TO PREVENT LYNCHING

SEC. 4. Whenever a lynching shall occur, any officer or employee of a State or any governmental subdivision thereof, who shall have been charged with the duty or shall have possessed the authority as such officer or employee to prevent the lynching, but shall have neglected, refused, or willfully failed to make all diligent efforts to prevent the lynching, and any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched and shall have neglected, refused, or willfully failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State governmental subdivision thereof who, in violation of his duty as such officer or employee, shall neglect, refuse, or willfully fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any members of the lynching mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment.

DUTY OF ATTORNEY GENERAL OF THE UNITED STATES

SEC. 5. Whenever a lynching of any person or persons shall occur, and information on oath is submitted to the Attorney General of the United States that any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching, or who shall have had custody of the person or persons lynched, has neglected, refused, or willfully failed to make all diligent efforts to protect such person or person from lynching or that any officer or employee of a State or governmental subdivision thereof, in violation of his duty as such officer or employee, has neglected, refused, or willfully failed to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, the Attorney General of the United States shall cause an investigation to be made to determine whether there has been any violation of this Act.

COMPENSATION FOR VICTIMS OF LYNCHING

SEC. 6. (1) Every governmental subdivision of a State to which the State shall have delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction. Every such governmental subdivision shall also be responsible for any lynching which follows upon the seizure and abduction of the victim or victims within its territorial jurisdiction, irrespective of whether such lynching occurs within its territorial jurisdiction or not. Any such governmental subdivision which shall fail to prevent any such lynching or any such seizure and abduction followed by lynching shall be liable to each individual who suffers injury to his or her person, or to his or her next of kin if such injury results in death, for a sum of not less than \$2,000 and not more than \$10,000 as monetary compensation for such injury or death: *Provided, however,* That the governmental subdivision may prove by a preponderance of evidence as an affirmative defense that the officers thereof charged with the duty of preserving the peace, and the citizens thereof, when called upon by any such officer, used all diligence and all powers vested in them for the protection of the person lynched. *And provided further,* That the satisfaction of judgment against one government subdivision responsible for a lynching shall bar further proceedings against any other governmental subdivision which may also be responsible for that lynching.

(2) Liability arising under this section may be enforced and the compensation herein provided for may be recovered in a civil action in the United States district court for the judicial district of which the defendant governmental subdivision is a part. Such action shall be brought and prosecuted by the Attorney General of the United States in the name of the United States for the use of the real party in interest, or, if the claimant or claimants shall so elect, by counsel employed by the claimant or claimants, but in any event without prepayment of costs. If the amount of any such judgment shall not be paid upon demand, payment thereof may be enforced by any process available under the State law for the enforcement of any other money judgment against such governmental subdivision. Any officer of such governmental subdivision or any other person who shall disobey or fail to comply with any lawful order or decree of the court for the enforcement of the judgment shall be guilty of contempt of that court and punished accordingly. The cause of action accruing hereunder to a person injured by lynching shall not abate with the subsequent death of that person before final judgment but shall survive to his or her next of kin. For the purpose of this Act the next of kin of a deceased victim of lynching shall be determined according to the laws of interstate distribution in the State of domicile of the decedent. Any judgment or award under this Act shall be exempt from all claims of creditors.

(3) Any judge of the United States district court for the judicial district wherein any suit shall be instituted under the provisions of this Act may by order direct that such suit be tried in any place in such district as he may designate in such order: *Provided*, That no such suit shall be tried within the territorial limits of the defendant governmental subdivision.

SEC. 7. The crime defined in and punishable under section 1201 of title 18 of the United States Code shall include the transportation in interstate or foreign commerce of any person unlawfully abducted and held for purposes of punishment, correction, or intimidation.

SEPARABILITY CLAUSE

SEC. 8. If any particular provision, sentence, or clause, or provisions, sentences, or clauses of this Act, or the application thereof to any particular person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

SHORT TITLE

SEC. 9. This Act may be cited as the "Federal Antilynching Act"

[H. R. 3480, 84th Cong., 1st sess.]

A BILL To declare certain rights of all persons within the jurisdiction of the United States, and for the protection of such persons from lynching, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Antilynching Act."

FINDINGS AND POLICY

SEC. 2. The Congress hereby makes the following findings:

(a) Lynching is mob violence. It is violence which injures or kills its immediate victims. It is also violence which may be used to terrorize the racial, national, or religious groups of which its victims are members, thereby hindering all members of those groups in the free exercise of the rights guaranteed them by the Constitution and laws of the United States.

(b) The duty required of each State, by the Constitution and laws of the United States, to refrain from depriving any person of life, liberty, or property without due process of law and from denying to any person within its jurisdiction the equal protection of the laws, imposes on all States the obligations to exercise their power in a manner which will—

- (1) protect all persons from mob violence without discrimination because of race, creed, color, national origin, ancestry, language, or religion; and
- (2) prevent the usurpation by mobs of the powers of correction or punishment which must be exercised exclusively by government and in accordance with the orderly processes of law.

When a State by the malfeasance or nonfeasance of governmental officers or employees permits or condones lynching, the State fails to fulfill one or both of the above obligations, and thus effectively deprives the victim of life, liberty, or property without due process of law, denies him the equal protection of the laws and prevents his full enjoyment of other rights guaranteed him by the Constitution and laws of the United States. By permitting or condoning lynching, the State makes the lynching its own act and gives the color of State law to the acts of those guilty of the lynching.

(c) The duty required of the United States by the Constitution and laws of the United States to refrain from depriving any person of life, liberty, or property without due process of law, imposes upon it the obligations to exercise its power in all areas within its exclusive criminal jurisdiction in a manner which will—

(1) protect all persons from mob violence without discrimination because of race, creed, color, national origin, ancestry, language, or religion; and

(2) prevent the usurpation by mobs of the powers of correction or punishment which must be exercised exclusively by government and in accordance with the orderly processes of law.

When the United States by the malfeasance or nonfeasance of governmental officers or employees permits or condones lynching, the United States fails to fulfill one or both of the above obligations and thus effectively deprives the victim of life, liberty, or property without due process of law, and prevents his full enjoyment of other rights guaranteed him by the Constitution and laws of the United States

(d) Every lynching that occurs within the United States discredits this country among the nations of the world, and the resultant damage to the prestige of the United States has serious adverse effects upon good relations between the United States and other nations. The increasing importance of maintaining friendly relations among all nations renders it imperative that Congress permit no such acts within the United States which interfere with American foreign policy and weaken American leadership in the democratic cause.

(e) The United Nations Charter and the law of nations require that every person be secure against injury to himself or his property which is (1) inflicted by reason of his race, creed, color, national origin, ancestry, language, or religion, or (2) imposed in disregard of the orderly processes of law.

PURPOSES

SEC. 3 The Congress finds that the succeeding provisions of this Act are necessary in order to accomplish the following purposes:

(a) To insure the most complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States, and to enforce the provisions of the Constitution

(b) To safeguard the republican form of government of the several States from the lawless conduct of persons threatening to destroy the systems of public criminal justice therein and threatening to frustrate the functioning thereof through duly constituted officials.

(c) To promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, language, or religion, in accordance with the treaty obligations assumed by the United States under the United Nations Charter.

(d) To define and punish offenses against the law of nations.

RIGHT TO BE FREE OF LYNCHING

SEC. 4. It is hereby declared that the right to be free from lynching is a right of all persons, whether or not citizens of the United States, who are within the jurisdiction of the United States. As to all such persons, such right accrues by virtue of the provisions of the Constitution of the United States, the United Nations Charter, and the law of nations. As to citizens of the United States, such rights additionally accrue by virtue of such citizenship. Such right is in addition to the same or any similar right or rights they may have as persons within the jurisdiction of, or as citizens of, the several States, the District of Columbia, the Territories, possessions, or other areas within the exclusive jurisdiction of the United States.

DEFINITIONS

SEC. 5. (a) Whenever two or more persons shall knowingly in concert (a) commit or attempt to commit violence upon any person or persons or on his or their property because of his or their race, creed, color, national origin, ancestry, language, or religion, or (b) exercise or attempt to exercise, by violence against person or property, any power of correction or punishment over any person or persons in the custody of any governmental officer or employee or suspected of, charged with, or convicted of the commission of any criminal offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such person or persons, or of imposing a punishment not authorized by law, such persons shall constitute a lynch mob within the meaning of this Act. Any such action, or attempt at such action, by a lynch mob shall constitute lynching within the meaning of this Act.

(b) The term "governmental officer or employee," as used in this Act, shall mean any officer or employee of a State or any governmental subdivision thereof, or any officer or employee of the United States, the District of Columbia, or any Territory, possession, or other area within the exclusive jurisdiction of the United States.

PUNISHMENT FOR LYNCHING

SEC. 6. Any person, whether or not a governmental officer or employee, (a) who is a member of a lynch mob or (b) who knowingly instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, shall, upon conviction, be fined not more than \$1,000, or imprisoned not more than one year, or both. *Provided, however,* That where such lynching results in death or maiming or other serious physical or mental injury, or in a damage to property, constituting a felony under applicable State, District of Columbia, Territorial, or similar law, any such person shall, upon conviction, be fined not more than \$10,000, or imprisoned not more than twenty years, or both. A felony, for purposes of this section, shall be deemed an offense which, under applicable State, District of Columbia, Territorial, or similar law, is punishable by imprisonment for more than one year.

PUNISHMENT FOR KNOWING FAILURE TO PREVENT OR PUNISH LYNCHING

SEC. 7. Whenever a lynching shall occur, (a) any governmental officer or employee who shall have been charged with the duty or shall have possessed the authority as such officer or employee to prevent the lynching, but shall have neglected, refused, or knowingly failed to make all diligent efforts to prevent the lynching, and (b) any governmental officer or employee who shall have had custody of a person or persons lynched and shall have neglected, refused, or knowingly failed to make all diligent efforts to protect such person or persons from lynching, and (c) any governmental officer or employee who, in violation of his duty as such officer or employee, shall neglect, refuse, or knowingly fail to make all diligent efforts to apprehend, keep in custody, or prosecute any person who is a member of the lynch mob or who knowingly instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or by both.

DUTY OF ATTORNEY GENERAL OF THE UNITED STATES

SEC. 8. The Attorney General of the United States shall cause an investigation to be made to determine whether there has been any violation of this Act, whenever information on oath is submitted to him that a lynching has occurred, and (a) that any governmental officer or employee who shall have been charged with the duty or shall have possessed the authority as such officer or employee to prevent such lynching, has neglected, refused, or knowingly failed to make all diligent efforts to prevent such lynching, or (b) that any governmental officer or employee who shall have had custody of a person or persons lynched and has neglected, refused, or knowingly failed to make all diligent efforts to protect such person or persons from lynching, or (c) that any governmental officer or employee, in violation of his duty as such officer or employee, has neglected, refused, or knowingly failed to make all diligent efforts to apprehend, keep in custody, or prosecute any person who is a member of the lynch mob or who knowingly instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever.

AMENDMENT TO KIDNAPING ACT

SEC. 9. The crime defined in and punishable under the Act of June 22, 1932, as amended (18 U. S. C. 1201, 1202), shall include knowingly transporting in interstate or foreign commerce, any person unlawfully abducted and held because of his race, color, religion, national origin, ancestry, language, or religion, or for purposes of punishment, conviction, or intimidation

CIVIL ACTIONS FOR DAMAGES

SEC. 10. (a) Any person, or in the event of his death the next of kin of any person, who as the result of a lynching suffers death, physical or mental injury, or property damage shall be entitled to maintain a civil action for damages for such death, injury, or damage against—

(1) any person who violates sections 6, 7, or 9 of this Act in connection with such lynching;

(2) (A) the United States, or the District of Columbia, or any Territory, possession, or other governmental subdivision of the United States to which local police functions have been delegated and in which the lynching takes place; or

(B) the State or governmental subdivision thereof to which local police functions have been delegated and in which the lynching takes place.

In any action brought against the United States, the District of Columbia, or any Territory or possession or other governmental subdivision of the United States, or against any State or governmental subdivision thereof, proof by a preponderance of evidence that any officers charged with preventing the lynching used all diligence and all powers vested in them for the protection of the property damaged, or of the person or persons killed or injured shall be an adequate affirmative defense. In any action brought pursuant to this section, the satisfaction of a judgment against any individual or governmental defendant shall bar further proceedings against any other individual or governmental defendant. Where recovery in any action brought pursuant to this section is based in whole or in part on death or on physical or mental injury, the judgment shall be not less than \$2,000.

(b) Where any action under this section is brought against the United States, the District of Columbia, or any Territory or possession or other governmental subdivision of the United States the action shall be brought and prosecuted by the claimant or claimants and any judgment recovered shall include reasonable attorney's fees.

(c) Any judge of the United States district court for the district in which any action under this section is instituted, or in which such action may have been transferred under the provisions of section 1404 of title 28 of the United States Code, may direct that such action be tried in any place in such district as he may designate.

(d) Any action brought pursuant to this section must be initiated within three years of the accrual of the cause of action.

SEVERABILITY CLAUSE

SEC. 11. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H. R. 3567, 84th Cong., 1st sess.]

A BILL To declare certain rights of all persons within the jurisdiction of the United States, and for the protection of such persons from lynching, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Antilynching Act."

FINDINGS AND POLICY

SEC. 2. The Congress hereby makes the following findings:

(a) Lynching is mob violence. It is violence which injures or kills its immediate victims. It is also violence which may be used to terrorize the racial, national, or religious groups of which its victims are members, thereby hindering

all members of those groups in the free exercise of the rights guaranteed them by the Constitution and laws of the United States.

(b) The duty required of each State, by the Constitution and laws of the United States, to refrain from depriving any person of life, liberty, or property without due process of law and from denying to any person within its jurisdiction the equal protection of the laws, imposes on all States the obligations to exercise their power in a manner which will—

(1) protect all persons from mob violence without discrimination because of race, creed, color, national origin, ancestry, language, or religion; and

(2) prevent the usurpation by mobs of the powers of correction or punishment which must be exercised exclusively by government and in accordance with the orderly processes of law.

When a State by the malfeasance or nonfeasance of governmental officers or employees permits or condones lynching, the State fails to fulfill one or both of the above obligations, and thus effectively deprives the victim of life, liberty, or property without due process of law, denies him the equal protection of the laws and prevents his full enjoyment of other rights guaranteed him by the Constitution and laws of the United States. By permitting or condoning lynching, the State makes the lynching its own act and gives the color of State law to the acts of those guilty of the lynching.

(c) The duty required of the United States by the Constitution and laws of the United States to refrain from depriving any person of life, liberty, or property without due process of law, imposes upon it the obligations to exercise its power in all areas within its exclusive criminal jurisdiction in a manner which will—

(1) protect all persons from mob violence without discrimination because of race, creed, color, national origin, ancestry, language, or religion, and

(2) prevent the usurpation by mobs of the powers of correction or punishment which must be exercised exclusively by government and in accordance with the orderly processes of law.

When the United States by the malfeasance or nonfeasance of governmental officers or employees permits or condones lynching, the United States fails to fulfill one or both of the above obligations and thus effectively deprives the victim of life, liberty, or property without due process of law, and prevents his full enjoyment of other rights guaranteed him by the Constitution and laws of the United States.

(d) Every lynching that occurs within the United States discredits this country among the nations of the world, and the resultant damage to the prestige of the United States has serious adverse effects upon good relations between the United States and other nations. The increasing importance of maintaining friendly relations among all nations renders it imperative that Congress permit no such acts within the United States which interfere with American foreign policy and weaken American leadership in the democratic cause.

(e) The United Nations Charter and the law of nations require that every person be secure against injury to himself or his property which is (1) inflicted by reason of his race, creed, color, national origin, ancestry, language, or religion, or (2) imposed in disregard of the orderly processes of law.

PURPOSES

SEC. 3. The Congress finds that the succeeding provisions of this Act are necessary in order to accomplish the following purposes:

(a) To insure the most complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States, and to enforce the provisions of the Constitution.

(b) To safeguard the republican form of government of the several States from the lawless conduct of persons threatening to destroy the systems of public criminal justice therein and threatening to frustrate the functioning thereof through duly constituted officials.

(c) To promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, language, or religion, in accordance with the treaty obligations assumed by the United States under the United Nations Charter.

(d) To define and punish offenses against the law of nations.

RIGHT TO BE FREE OF LYNCHING

SEC. 4 It is hereby declared that the right to be free from lynching is a right of all persons, whether or not citizens of the United States, who are within the

jurisdiction of the United States. As to all such persons, such right accrues by virtue of the provisions of the Constitution of the United States, the United Nations Charter and the law of nations. As to citizens of the United States, such right additionally accrues by virtue of such citizenship. Such right is in addition to the same or any similar right or rights they may have as persons within the jurisdiction of, or as citizens of, the several States, the District of Columbia, the Territories, possessions, or other areas within the exclusive jurisdiction of the United States.

DEFINITIONS

SEC. 5. (a) Whenever two or more persons shall knowingly in concert (a) commit or attempt to commit violence upon any person or persons or on his or their property because of his or their race, creed, color, national origin, ancestry, language, or religion, or (b) exercise or attempt to exercise, by violence against person or property, any power of correction or punishment over any person or persons in the custody of any governmental officer or employee or suspected of, charged with, or convicted of the commission of any criminal offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such person or persons, or of imposing a punishment not authorized by law, such persons shall constitute a lynch mob within the meaning of this Act. Any such action, or attempt at such action, by a lynch mob shall constitute lynching within the meaning of this Act.

(b) The term "governmental officer or employee," as used in this Act, shall mean any officer or employee of a State or any governmental subdivision thereof, or any officer or employee of the United States, the District of Columbia, or any Territory, possession or other area within the exclusive jurisdiction of the United States.

PUNISHMENT FOR LYNCHING

SEC. 6. Any person, whether or not a governmental officer or employee, (a) who is a member of a lynch mob or (b) who knowingly instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, shall, upon conviction, be fined not more than \$1,000, or imprisoned not more than one year, or both: *Provided, however,* That where such lynching results in death or maiming or other serious physical or mental injury, or in damage to property, constituting a felony under applicable State, District of Columbia, Territorial, or similar law, any such person shall, upon conviction, be fined not more than \$10,000, or imprisoned not more than twenty years, or both. A felony, for purposes of this section, shall be deemed an offense which, under applicable State, District of Columbia, Territorial, or similar law, is punishable by imprisonment for more than one year.

PUNISHMENT FOR KNOWING FAILURE TO PREVENT OR PUNISH LYNCHING

SEC. 7. Whenever a lynching shall occur, (a) any governmental officer or employee who shall have been charged with the duty or shall have possessed the authority as such officer or employee to prevent the lynching, but shall have neglected, refused, or knowingly failed to make all diligent efforts to prevent the lynching, and (b) any governmental officer or employee who shall have had custody of a person or persons lynched and shall have neglected, refused, or knowingly failed to make all diligent efforts to protect such person or persons from lynching, and (c) any governmental officer or employee who, in violation of his duty as such officer or employee, shall neglect, refuse, or knowingly fail to make all diligent efforts to apprehend, keep in custody, or prosecute any person who is a member of the lynch mob or who knowingly instigates, incites, organizes, aids, abets or commits a lynching by any means whatsoever, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or by both.

DUTY OF ATTORNEY GENERAL OF THE UNITED STATES

SEC. 8. The Attorney General of the United States shall cause an investigation to be made to determine whether there has been any violation of this Act, whenever information on oath is submitted to him that a lynching has occurred, and

(a) that any governmental officer or employee who shall have been charged with the duty or shall have possessed the authority as such officer or employee to prevent such lynching, has neglected, refused, or knowingly failed to make all diligent efforts to prevent such lynching, or (b) that any governmental officer or employee who shall have had custody of a person or persons lynched and has neglected, refused or knowingly failed to make all diligent efforts to protect such person or persons from lynching, or (c) that any governmental officer or employee, in violation of his duty as such officer or employee, has neglected, refused, or knowingly failed to make all diligent efforts to apprehend, keep in custody, or prosecute any person who is a member of the lynch mob or who knowingly instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever.

AMENDMENT TO ANTIKIDNAPING ACT

SEC 9. The crime defined in and punishable under the Act of June 22, 1932, as amended (18 U. S. C. 1201, 1202) shall include knowingly transporting in interstate or foreign commerce, any person unlawfully abducted and held because of his race, color, religion, national origin, ancestry, language, or religion, or for purposes of punishment, conviction, or intimidation.

CIVIL ACTIONS FOR DAMAGES

SEC 10 (a) Any person, or in the event of his death the next of kin of any person, who as the result of a lynching suffers death, physical or mental injury, or property damage shall be entitled to maintain a civil action for damages for such death, injury, or damage against—

(1) any person who violates section 6, 7, or 9 of this Act in connection with such lynching;

(2) (A) the United States, or the District of Columbia, or any Territory, possession, or other governmental subdivision of the United States to which local police functions have been delegated and in which the lynching takes place; or

(B) the State or governmental subdivision thereof to which local police functions have been delegated and in which the lynching takes place.

In any action brought against the United States, the District of Columbia, or any Territory or possession or other governmental subdivision of the United States, or against any State or governmental subdivision thereof, proof by a preponderance of evidence that any officers charged with preventing the lynching used all diligence and all powers vested in them for the protection of the property damaged, or of the person or persons killed or injured shall be an adequate affirmative defense. In any action brought pursuant to this section, the satisfaction of a judgment against any individual or governmental defendant shall bar further proceedings against any other individual or governmental defendant. Where recovery in any action brought pursuant to this section is based in whole or in part on death or on physical or mental injury, the judgment shall be not less than \$2,000.

(b) Where any action under this section is brought against the United States, the District of Columbia, or any Territory or possession or other governmental subdivision of the United States the action shall be brought and prosecuted by the claimant or claimants and any judgment recovered shall include reasonable attorney's fees.

(c) Any judge of the United States district court for the district in which any action under this section is instituted, or in which such action may have been transferred under the provisions of section 1404 of title 28 of the United States Code, may direct that such action be tried in any place in such district as he may designate.

(d) Any action brought pursuant to this section must be initiated within three years of the accrual of the cause of action.

SEVERABILITY CLAUSE

SEC. 11. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H. R. 3575, 84th Cong., 1st sess.]

A BILL To declare certain rights of all persons within the jurisdiction of the United States, and for the protection of such persons from lynching, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Antilynching Act."

FINDINGS AND POLICY

SEC. 2. The Congress hereby makes the following findings:

(a) Lynching is mob violence. It is violence which injures or kills its immediate victims. It is also violence which may be used to terrorize the racial, national, or religious groups of which its victims are members, thereby hindering all members of those groups in the free exercise of the rights guaranteed them by the Constitution and laws of the United States.

(b) The duty required of each State, by the Constitution and laws of the United States, to refrain from depriving any person of life, liberty, or property without due process of law and from denying to any person within its jurisdiction the equal protection of the laws, imposes on all States the obligations to exercise their power in a manner which will—

(1) protect all persons from mob violence without discrimination because of race, creed, color, national origin, ancestry, language, or religion; and

(2) prevent the usurpation by mobs of the powers of correction or punishment which must be exercised exclusively by government and in accordance with the orderly processes of law.

When a State by the malfeasance or nonfeasance of governmental officers or employees permits or condones lynching, the State fails to fulfill one or both of the above obligations, and thus effectively deprives the victim of life, liberty, or property without due process of law, denies him the equal protection of the laws, and prevents his full enjoyment of other rights guaranteed him by the Constitution and laws of the United States. By permitting or condoning lynching, the State makes the lynching its own act and gives the color of State law to the acts of those guilty of the lynching.

(c) The duty required of the United States by the Constitution and laws of the United States to refrain from depriving any person of life, liberty, or property without due process of law, imposes upon it the obligations to exercise its power in all areas within its exclusive criminal jurisdiction in a manner which will—

(1) protect all persons from mob violence without discrimination because of race, creed, color, national origin, ancestry, language, or religion; and

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(d) Every lynching that occurs within the United States discredits this country among the nations of the world, and the resultant damage to the prestige of the United States has serious adverse effects upon good relations between the United States and other nations. The increasing importance of maintaining friendly relations among all nations renders it imperative that Congress permit no such acts within the United States which interfere with American foreign policy and weaken American leadership in the Democratic cause.

(e) The United Nations Charter and the law of nations require that every person be secure against injury to himself or his property which is (1) inflicted by reason of his race, creed, color, national origin, ancestry, language, or religion, or (2) imposed in disregard of the orderly processes of law.

PURPOSES

SEC. 3. The Congress finds that the succeeding provisions of this Act are necessary in order to accomplish the following purposes:

(a) To insure the most complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States, and to enforce the provisions of the Constitution.

(b) To safeguard the republican form of government of the several States from the lawless conduct of persons threatening to destroy the systems of public criminal justice therein and threatening to frustrate the functioning thereof through duly constituted officials.

(c) To promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, language, or religion, in accordance with the treaty obligations assumed by the United States under the United Nations Charter.

(d) To define and punish offenses against the law of nations.

RIGHT TO BE FREE OF LYNCHING

SEC. 4. It is hereby declared that the right to be free from lynching is a right of all persons, whether or not citizens of the United States, who are within the jurisdiction of the United States. As to all such persons, such right accrues by virtue of the provisions of the Constitution of the United States, the United Nations Charter and the law of nations. As to citizens of the United States, such rights additionally accrues by virtue of such citizenship. Such right is in addition to the same or any similar right or rights they may have as persons within the jurisdiction of, or as citizens of, the several States, the District of Columbia, the Territories, possessions, or other areas within the exclusive jurisdiction of the United States.

DEFINITIONS

SEC. 5. (a) Whenever two or more persons shall knowingly in concert (a) commit or attempt to commit violence upon any person or persons or on his or their property because of his or their race, creed, color, national origin, ancestry, language, or religion, or (b) exercise or attempt to exercise, by violence against person or property, any power of correction or punishment over any person or persons in the custody of any governmental officer or employee or suspected of, charged with, or convicted of the commission of any criminal offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such person or persons, or of imposing a punishment not authorized by law, such persons shall constitute a lynch mob within the meaning of this Act. Any such action, or attempt at such action, by a lynch mob shall constitute lynching within the meaning of this Act.

B. The term "governmental officer or employee," as used in this Act, shall mean any officer or employee of a State or any governmental subdivision thereof, or any officer or employee of the United States, the District of Columbia, or any Territory, possession or other area within the exclusive jurisdiction of the United States.

PUNISHMENT FOR LYNCHING

SEC. 6. Any person, whether or not a governmental officer or employee, (a) who is a member of a lynch mob or (b) who knowingly instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, shall upon conviction, be fined not more than \$1,000, or imprisoned not more than one year, or both: *Provided, however,* That where such lynching results in death or maiming or other serious physical or mental injury, or in damage to property, constituting a felony under applicable State, District of Columbia, Territorial, or similar law, any such person shall, upon conviction, be fined not more than \$10,000, or imprisoned not more than twenty years, or both. A felony, for purposes of this section, shall be deemed an offense which, under applicable State, District of Columbia, Territorial, or similar law, is punishable by imprisonment for more than one year.

PUNISHMENT FOR KNOWING FAILURE TO PREVENT OR PUNISH LYNCHING

SEC. 7. Whenever a lynching shall occur, (a) any governmental officer or employee who shall have been charged with the duty or shall have possessed the authority as such officer or employee to prevent the lynching, but shall have neglected, refused, or knowingly failed to make all diligent efforts to prevent the lynching, and (b) any governmental officer or employee who shall have had custody of a person or persons lynched and shall have neglected, refused, or knowingly failed to make all diligent efforts to protect such person or persons from lynching, and (c) any governmental officer or employee who, in violation of his duty as such officer or employee, shall neglect, refuse, or knowingly fail

to make all diligent efforts to apprehend, keep in custody, or prosecute any person who is a member of the lynch mob or who knowingly instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or by both.

DUTY OF ATTORNEY GENERAL OF THE UNITED STATES

SEC. 8. The Attorney General of the United States shall cause an investigation to be made to determine whether there has been any violation of this Act, whenever information on oath is submitted to him that a lynching has occurred, and (a) that any governmental officer or employee who shall have been charged with the duty or shall have possessed the authority as such officer or employee to prevent such lynching, has neglected, refused, or knowingly failed to make all diligent efforts to prevent such lynching, or (b) that any governmental officer or employee who shall have had custody of a person or persons lynched and has neglected, refused, or knowingly failed to make all diligent efforts to protect such person or persons from lynching, or (c) that any governmental officer or employee, in violation of his duty as such officer or employee, has neglected, refused, or knowingly failed to make all diligent efforts to apprehend, keep in custody, or prosecute any person who is a member of the lynch mob or who knowingly instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever.

AMENDMENT TO ANTIKIDNAPING ACT

SEC. 9. The crime defined in and punishable under the Act of June 22, 1932, as amended (18 U S C. 1201, 1202) shall include knowingly transporting in interstate or foreign commerce, any person unlawfully abducted and held because of his race, color, religion, national origin, ancestry, language, or religion, or for purposes of punishment, conviction, or intimidation.

CIVIL ACTIONS FOR DAMAGES

SEC. 10. (a) Any person, or in the event of his death the next of kin of any person, who as the result of a lynching suffers death, physical or mental injury, or property damage shall be entitled to maintain a civil action for damages for such death, injury, or damage against—

(1) any person who violates sections 6, 7, or 9 of this Act in connection with such lynching;

(2) (A) the United States, or the District of Columbia, or any Territory, possession, or other governmental subdivision of the United States to which local police functions have been delegated and in which the lynching takes place; or

(B) the State or governmental subdivision thereof to which local police functions have been delegated and in which the lynching takes place.

In any action brought against the United States, the District of Columbia, or any Territory or possession or other governmental subdivision of the United States, or against any State or governmental subdivision thereof, proof by a preponderance of evidence that any officers charged with preventing the lynching used all diligence and all powers vested in them for the protection of the property damaged, or of the person or persons killed or injured shall be an adequate affirmative defense. In any action brought pursuant to this section, the satisfaction of a judgment against any individual or governmental defendant shall bar further proceedings against any other individual or governmental defendant. Where recovery in any action brought pursuant to this section is based in whole or in part on death or on physical or mental injury, the judgment shall be not less than \$2,000.

(b) Where any action under this section is brought against the United States, the District of Columbia, or any Territory or possession or other governmental subdivision of the United States the action shall be brought and prosecuted by the claimant or claimants and any judgment recovered shall include reasonable attorney's fees.

(c) Any judge of the United States district court for the district in which any action under this section is instituted, or in which such action may have been transferred under the provisions of section 1404 of title 28 of the United States Code, may direct that such action be tried in any place in such district as he may designate.

(d) Any action brought pursuant to this section must be initiated within three years of the accrual of the cause of action.

SEVERABILITY CLAUSE

SEC 11. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H R 3578, 84th Cong., 1st sess.]

A BILL To declare certain rights of all persons within the jurisdiction of the United States, and for the protection of such persons from lynching, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Antilynching Act."

FINDINGS AND POLICY

SEC 2 The Congress hereby makes the following findings:

(a) Lynching is mob violence. It is violence which injures or kills its immediate victims. It is also violence which may be used to terrorize the racial, national, or religious groups of which its victims are members, thereby hindering all members of those groups in the free exercise of the rights guaranteed them by the Constitution and laws of the United States.

(b) The duty required of each State, by the Constitution and laws of the United States, to refrain from depriving any person of life, liberty, or property without due process of law and from denying to any person within its jurisdiction the equal protection of the laws, imposes on all States the obligations to exercise their power in a manner which will—

(1) protect all persons from mob violence without discrimination because of race, creed, color, national origin, ancestry, language, or religion; and

(2) prevent the usurpation by mobs of the powers of correction or punishment which must be exercised exclusively by government and in accordance with the orderly processes of law.

When a State by the malfeasance or nonfeasance of governmental officers or employees permits or condones lynching, the State fails to fulfill one or both of the above obligations, and thus effectively deprives the victim of life, liberty, or property without due process of law, denies him the equal protection of the laws and prevents his full enjoyment of other rights guaranteed him by the Constitution and laws of the United States. By permitting or condoning lynching, the State makes the lynching its own act and gives the color of State law to the acts of those guilty of the lynching.

(c) The duty required of the United States by the Constitution and laws of the United States to refrain from depriving any person of life, liberty, or property without due process of law, imposes upon it the obligations to exercise its power in all areas within its exclusive criminal jurisdiction in a manner which will—

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(d) Every lynching that occurs within the United States discredits this country among the nations of the world, and the resultant damage to the prestige of the United States has serious adverse effects upon good relations between the United States and other nations. The increasing importance of maintaining friendly relations among all nations renders it imperative that Congress permit no such acts within the United States which interfere with American foreign policy and weaken American leadership in the democratic cause.

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(b) To safeguard the republican form of government of the several States from the lawless conduct of persons threatening to destroy the systems of public criminal justice therein and threatening to frustrate the functioning thereof through duly constituted officials.

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(b) The term "governmental officer or employee," as used in this Act, shall mean any officer or employee of a State or any governmental subdivision thereof, or any officer or employee of the United States, the District of Columbia, or any Territory, possession, or other area within the exclusive jurisdiction of the United States.

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SEC. 7. Whenever a lynching shall occur, (a) any governmental officer or employee who shall have been charged with the duty or shall have possessed the authority as such officer or employee to prevent the lynching, but shall have neglected, refused, or knowingly failed to make all diligent efforts to prevent the lynching, and (b) any governmental officer or employee who shall have had custody of a person or persons lynched and shall have neglected, refused, or knowingly failed to make all diligent efforts to protect such person or persons from lynching, and (c) any governmental officer or employee who, in violation of his duty as such officer or employee, shall neglect, refuse, or knowingly fail to make all diligent efforts to apprehend, keep in custody, or prosecute any person who is a member of the lynch mob, or who knowingly instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or by both.

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(1) any person who violates section 6, 7, or 9 of this Act in connection with such lynching;

(2) (A) the United States, or the District of Columbia, or any Territory, possession, or other governmental subdivision of the United States to which local police functions have been delegated and in which the lynching takes place; or

(B) the State or governmental subdivision thereof to which local police functions have been delegated and in which the lynching takes place.

In any action brought against the United States, the District of Columbia, or any Territory or possession or other governmental subdivision of the United States, or against any State or governmental subdivision thereof, proof by a preponderance of evidence that any officers charged with preventing the lynching used all diligence and all powers vested in them for the protection of the property damaged, or of the person or persons killed or injured shall be an adequate affirmative defense. In any action brought pursuant to this section, the satisfaction of a judgment against any individual or governmental defendant shall bar further proceedings against any other individual or governmental defendant. Where recovery in any action brought pursuant to this section is

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(d) Any action brought pursuant to this section must be initiated within three years of the accrual of the cause of action

SEVERABILITY CLAUSE

SEC. 11. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H. R. 5345, 84th Cong., 1st sess.]

A BILL To declare certain rights of all persons within the jurisdiction of the United States, and for the protection of such persons from lynching, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Antilynching Act."

FINDINGS AND POLICY

SEC. 2 The Congress hereby makes the following findings:

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fulfill one or both of the above obligations and thus effectively deprives the victim of life, liberty, or property without due process of law, and prevents his full enjoyment of other rights guaranteed him by the Constitution and laws of the United States.

(d) Every lynching that occurs within the United States discredits this country among the nations of the world, and the resultant damage to the prestige of the United States has serious adverse effects upon good relations between the United States and other nations. The increasing importance of maintaining friendly relations among all nations renders it imperative that Congress permit no such acts within the United States which interfere with American foreign policy and weaken American leadership in the democratic cause.

(e) The United Nations Charter and the law of nations require that every person be secure against injury to himself or his property which is (1) inflicted by reason of his race, creed, color, national origin, ancestry, language, or religion, or (2) imposed in disregard of the orderly processes of law.

PURPOSES

SEC. 3 The Congress finds that the succeeding provisions of this Act are necessary in order to accomplish the following purposes:

(a) To insure the most complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States, and to enforce the provisions of the Constitution.

(b) To safeguard the republican form of government of the several States from the lawless conduct of persons threatening to destroy the systems of public criminal justice therein and threatening to frustrate the functioning thereof through duly constituted officials.

(c) To promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, language, or religion, in accordance with the treaty obligations assumed by the United States under the United Nations Charter.

(d) To define and punish offenses against the law of nations.

RIGHT TO BE FREE OF LYNCHING

SEC. 4 It is hereby declared that the right to be free from lynching is a right of all persons, whether or not citizens of the United States, who are within the jurisdiction of the United States. As to all such persons, such right accrues by virtue of the provisions of the Constitution of the United States, the United Nations Charter and the law of nations. As to citizens of the United States, such right additionally accrues by virtue of such citizenship. Such right is in addition to the same or any similar right or rights they may have as persons within the jurisdiction of, or as citizens of, the several States, the District of Columbia, the Territories, possessions, or other areas within the exclusive jurisdiction of the United States.

DEFINITIONS

SEC. 5. (a) Whenever two or more persons shall knowingly in concert (a) commit or attempt to commit violence upon any person or persons or on his or their property because of his or their race, creed, color, national origin, ancestry, language, or religion, or (b) exercise or attempt to exercise, by violence against person or property, any power of correction or punishment over any person or persons in the custody of any governmental officer or employee or suspected of, charged with, or convicted of the commission of any criminal offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such person or persons, or of imposing a punishment not authorized by law, such persons shall constitute a lynch mob within the meaning of this Act. Any such action, or attempt at such action, by a lynch mob shall constitute lynching within the meaning of this Act.

(b) The term "governmental officer or employee," as used in this Act, shall mean any officer or employee of a State or any governmental subdivision thereof, or any officer or employee of the United States, the District of Columbia, or any Territory, possession or other area within the exclusive jurisdiction of the United States.

PUNISHMENT FOR LYNCHING

SEC. 6. Any person, whether or not a governmental officer or employee, (a) who is a member of a lynch mob or (b) who knowingly instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, shall, upon conviction, be fined not more than \$1,000, or imprisoned not more than one year, or both: *Provided, however,* That where such lynching results in death or maiming or other serious physical or mental injury, or in damage to property, constituting a felony under applicable State, District of Columbia, Territorial, or similar law, any such person shall, upon conviction, be fined not more than \$10,000, or imprisoned not more than twenty years, or both. A felony, for purposes of this section, shall be deemed an offense which, under applicable State, District of Columbia, Territorial, or similar law, is punishable by imprisonment for more than one year.

PUNISHMENT FOR KNOWING FAILURE TO PREVENT OR PUNISH LYNCHING

SEC. 7. Whenever a lynching shall occur, (a) any governmental officer or employee who shall have been charged with the duty or shall have possessed the authority as such officer or employee to prevent the lynching, but shall have neglected, refused, or knowingly failed to make all diligent efforts to prevent the lynching, and (b) any governmental officer or employee who shall have had custody of a person or persons lynched and shall have neglected, refused, or knowingly failed to make all diligent efforts to protect such person or persons from lynching, and (c) any governmental officer or employee who, in violation of his duty as such officer or employee, shall neglect, refuse, or knowingly fail to make all diligent efforts to apprehend, keep in custody, or prosecute any person who is a member of the lynch mob or who knowingly instigates, incites, organizes, aids, abets or commits a lynching by any means whatsoever, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or by both.

DUTY OF ATTORNEY GENERAL OF THE UNITED STATES

SEC. 8. The Attorney General of the United States shall cause an investigation to be made to determine whether there has been any violation of this Act, whenever information on oath is submitted to him that a lynching has occurred, and (a) that any governmental officer or employee who shall have been charged with the duty or shall have possessed the authority as such officer or employee to prevent such lynching, has neglected, refused, or knowingly failed to make all diligent efforts to prevent such lynching, or (b) that any governmental officer or employee who shall have had custody of a person or persons lynched and has neglected, refused, or knowingly failed to make all diligent efforts to protect such person or persons from lynching, or (c) that any governmental officer or employee, in violation of his duty as such officer or employee, has neglected, refused, or knowingly failed to make all diligent efforts to apprehend, keep in custody, or prosecute any person who is a member of the lynch mob or who knowingly instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever.

AMENDMENT TO ANTIKIDNAPING ACT

SEC. 9. The crime defined in and punishable under chapter 55 of title 18, United States Code, shall include knowingly transporting in interstate or foreign commerce, any person unlawfully abducted and held because of his race, color, religion, national origin, ancestry, language, or religion, or for purposes of punishment, conviction, or intimidation.

CIVIL ACTIONS FOR DAMAGES

SEC. 10 (a) Any person, or in the event of his death the next of kin of any person, who as the result of a lynching suffers death, or physical or mental injury, or property damage shall be entitled to maintain a civil action for damages for such death, injury, or damage against—

- (1) any person who violates section 6, 7, or 9 of this Act in connection with such lynching;
- (2) (A) the United States, or the District of Columbia, or any Territory, possession, or other governmental subdivision of the United States to which

local police functions have been delegated and in which the lynching takes place; or

(B) the State or governmental subdivision thereof to which local police functions have been delegated and in which the lynching takes place.

In any action brought against the United States, the District of Columbia, or any Territory or possession or other governmental subdivision of the United States, or against any State or governmental subdivision thereof, proof by a preponderance of evidence that any officers charged with preventing the lynching used all diligence and all powers vested in them for the protection of the property damaged, or of the person or persons killed or injured shall be an adequate affirmative defense. In any action brought pursuant to this section, the satisfaction of a judgment against any individual or governmental defendant shall bar further proceedings against any other individual or governmental defendant. Where recovery in any action brought pursuant to this section is based in whole or in part on death or on physical or mental injury, the judgment shall be not less than \$2,000.

(b) Where any action under this section is brought against the United States, the District of Columbia, or any Territory or possession or other governmental subdivision of the United States the action shall be brought and prosecuted by the claimant or claimants and any judgment recovered shall include reasonable attorney's fees

(c) Any judge of the United States district court for the district in which any action under this section is instituted, or in which such action may have been transferred under the provisions of section 1404 of title 28 of the United States Code, may direct that such action be tried in any place in such district as he may designate.

(d) Any action brought pursuant to this section must be initiated within three years of the accrual of the cause of action.

SEVERABILITY CLAUSE

Sec. 11. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H. R. 3387, 84th Cong., 1st sess.]

A BILL To amend and supplement existing civil-rights statutes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That title 18, United States Code, section 241, is amended to read as follows:

"SEC. 241. (a) If two or more persons conspire to injure, oppress, threaten or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) Any person or persons violating the provisions of subsections (a) or (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently

with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States."

SEC. 2. Title 18, United States Code, section 242, is amended to read as follows:

"SEC. 242 Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged."

SEC. 3 Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

"SEC. 242A. The rights, privileges, and immunities referred to in title 18, United States Code, section 242, shall be deemed to include, but shall not be limited to, the following:

"(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

"(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial and upon conviction and sentence pursuant to due process of law.

"(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses.

"(4) The right to be free of illegal restraint of the person.

"(5) The right to protection of person and property without discrimination by reason of race, color, religion, or national origin.

"(6) The right to vote as protected by Federal law."

SEC. 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H. R. 3421, 84th Cong., 1st sess.]

A BILL To amend and supplement existing civil-rights statutes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, section 241, is amended to read as follows:

"SEC. 241. (a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise of enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) Any person or persons violating the provisions of subsections (a) or (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U S C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States."

SEC. 2 Title 18, United States Code, section 242, is amended to read as follows:

"SEC. 242 Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both, or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged."

SEC. 3 Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

"SEC. 242A. The rights, privileges, and immunities referred to in title 18, United States Code, section 242, shall be deemed to include, but shall not be limited to, the following:

"(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

"(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial and upon conviction and sentence pursuant to due process of law.

"(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses.

"(4) The right to be free of illegal restraint of the person.

"(5) The right to protection of person and property without discrimination by reason of race, color, religion, or national origin.

"(6) The right to vote as protected by Federal law."

SEC. 5 If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H. R. 3474, 84th Cong, 1st sess.]

A BILL To amend and supplement existing civil-rights statutes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, section 241, is amended to read as follows:

"Sec 241 (a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrong-

ful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) Any person or persons violating the provisions of subsection (a) or (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 and the following), and the United States court of any Territory or other place subject to the jurisdiction of the United States."

Sec. 2. Title 18, United States Code, section 242, is amended to read as follows:

"Sec. 242. Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged."

Sec. 3. Title 18, United States Code, is amended by adding after section 242 thereof the following new section.

"Sec. 242A. The rights, privileges, and immunities referred to in title 18, United States Code, section 242, shall be deemed to include, but shall not be limited to, the following:

"(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

"(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial and upon conviction and sentence pursuant to due process of law.

"(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses.

"(4) The right to be free of illegal restraint of the person.

"(5) The right to protection of person and property without discrimination by reason of race, color, religion, or national origin.

"(6) The right to vote as protected by Federal law."

Sec. 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H. R. 3566, 84th Cong., 1st sess.]

A BILL To amend and supplement existing civil-rights statutes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, section 241, is amended to read as follows:

"Sec. 241. (a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or

"If any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, such person shall be fined not more than \$1,000 or imprisoned

not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) Any person or persons violating the provisions of subsections (a) or (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 and the following), and the United States court of any Territory or other place subject to the jurisdiction of the United States."

SEC. 2. Title 18, United States Code, section 242, is amended to read as follows:

"SEC. 242 Whoever, under color of any law, statute, ordinance, regulation or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged."

SEC. 3. Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

"SEC. 242A The rights, privileges, and immunities referred to in title 18, United States Code, section 242, shall be deemed to include, but shall not be limited to, the following:

"(1) The right to be immune from exactions of fines, or deprivation of property, without due process of law.

"(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial and upon conviction and sentence pursuant to due process of law.

"(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses.

"(4) The right to be free of illegal restraint of the person.

"(5) The right to protection of person and property without discrimination by reason of race, color, religion, or national origin.

"(6) The right to vote as protected by Federal law."

SEC. 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H. R. 3580, 84th Cong., 1st sess.]

A BILL To amend and supplement existing civil-rights statutes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, section 241, is amended to read as follows:

"Sec. 241 (a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) Any person or persons violating the provisions of subsection (a) or (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 and the following), and the United States court of any Territory or other place subject to the jurisdiction of the United States."

SEC. 2. Title 18, United States Code, section 242, is amended to read as follows:

"SEC. 242. Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged."

SEC. 3. Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

"SEC. 242A. The rights, privileges, and immunities referred to in title 18, United States Code, section 242, shall be deemed to include, but shall not be limited to, the following:

"(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

"(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial and upon conviction and sentence pursuant to due process of law.

"(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses.

"(4) The right to be free of illegal restraint of the person.

"(5) The right to protection of person and property without discrimination by reason of race, color, religion, or national origin.

"(6) The right to vote as protected by Federal law."

SEC. 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H. R. 5349, 84th Cong., 1st sess.]

A BILL To amend and supplement existing civil-rights statutes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 241 of title 18, United States Code, is amended to read as follows:

"§ 241. Conspiracy against rights of citizens

"(a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

Such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) Any person or persons violating the provisions of subsections (a) or (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States."

SEC. 2. Section 242 of title 18, United States Code, is amended to read as follows:

"§ 242. Deprivation of rights under color of law

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged."

SEC. 3. (a) Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

"§ 242A. Rights, privileges, and immunities

"The rights, privileges, and immunities referred to in section 242 shall be deemed to include, but shall not be limited to, the following:

"(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

"(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial and upon conviction and sentence pursuant to due process of law.

"(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses.

"(4) The right to be free of illegal restraint of the person.

"(5) The right to protection of person and property without discrimination by reason of race, color, religion, or national origin.

"(6) The right to vote as protected by Federal law."

(b) The analysis of chapter 13 of title 18, United States Code, immediately preceding section 241 of such code, is amended by inserting immediately after and below

"242 Deprivation of rights under color of law."

the following:

"242A Rights, privileges, and immunities"

SEC. 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H. R. 258, 84th Cong., 1st sess.]

A BILL To amend sections 241 and 242 of title 18, United States Code

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 241 of title 18 of the United States Code is amended to read as follows:

"If two or more persons conspire to injure, oppress, threaten, or intimidate any person in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or."

SEC. 2. Section 242 of such title is amended to read as follows:

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

[H. R. 3388, 84th Cong., 1st sess.]

A BILL To establish a Commission on Civil Rights in the executive branch of the Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commission on Civil Rights Act of 1955."

SEC. 2. The Congress finds that the freedoms guaranteed by the Constitution of the United States have contributed, in large measure, to the rapid growth, productivity, and ingenuity, which characterizes our Nation; that, despite the continuing progress of our Nation with respect to the protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States are being denied, abridged, or threatened. The Congress recognizes that the national security and general welfare of the United States call for more adequate protection of the civil rights of individuals; and that the executive and legislative branches of our Government must be accurately and continuously informed concerning the extent to which fundamental constitutional rights are abridged or denied.

SEC. 3. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in the office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC. 4. It shall be the duty and function of the Commission to gather timely and authoritative information concerning economic, social, legal, and other developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights; to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil rights; to assist States, counties, municipalities, and private agencies in conducting studies to protect civil rights of all Americans without regard to race, color, creed, or national origin; and to recommend to the Congress legislation necessary to safeguard and protect the civil rights of all Americans.

The Commission shall make an annual report to the President and to the Congress on its findings and recommendations, and it may in addition from time

to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil-rights matter

SEC 5 (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) Within the limitations of its appropriations, the Commission is authorized to appoint a full-time staff director and such other personnel, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

SEC 104. (a) The Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under study or investigation. Any member of the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

[H R 3422, 84th Cong, 1st sess.]

A BILL To establish a Commission on Civil Rights in the Executive Branch of the Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commission on Civil Rights Act of 1955."

SEC. 2. The Congress finds that the freedoms guaranteed by the Constitution of the United States have contributed, in large measure, to the rapid growth, productivity, and ingenuity, which characterizes our Nation; that, despite the continuing progress of our Nation with respect to the protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States are being denied, abridged, or threatened. The Congress recognizes that the national security and general welfare of the United States calls for more adequate protection of the civil rights of individuals; and that the Executive and Legislative Branches of our Government must be accurately and continuously informed concerning the extent to which fundamental constitutional rights are abridged or denied.

SEC. 3. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in the office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC. 4. It shall be the duty and function of the Commission to gather timely and authoritative information concerning economic, social, legal, and other develop-

ments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights; to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil rights; to assist States, counties, municipalities, and private agencies in conducting studies to protect civil rights of all Americans without regard to race, color, creed, or national origin, and to recommend to the Congress legislation necessary to safeguard and protect the civil rights of all Americans

The Commission shall make an annual report to the President and to the Congress on its findings and recommendations, and it may in addition from time to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil-rights matter.

SEC. 5. (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) Within the limitations of its appropriations, the Commission is authorized to appoint a full-time staff director and such other personnel, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

SEC. 104. (a) The Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under study or investigation. Any member of the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

[H. R. 3475, 84th Cong., 1st sess.]

A BILL To establish a Commission on Civil Rights in the executive branch of the Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commission on Civil Rights Act of 1955

SEC. 2. The Congress finds that the freedoms guaranteed by the Constitution of the United States have contributed, in large measure, to the rapid growth, productivity, and ingenuity, which characterizes our Nation; that, despite the continuing progress of our Nation with respect to the protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States are being denied, abridged, or threatened. The Congress recognizes that the national security and general welfare of the United States calls for more adequate protection of the civil rights of individuals; and that the executive and legislative branches of our Government must be accurately and continuously informed concerning the extent to which fundamental constitutional rights are abridged or denied.

SEC. 3. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the Presi-

dent, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in the office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC. 4 It shall be the duty and function of the Commission to gather timely and authoritative information concerning, economic, social, legal, and other developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights; to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil rights; to assist States, counties, municipalities, and private agencies in conducting studies to protect civil rights of all Americans without regard to race, color, creed, or national origin; and to recommend to the Congress, legislation necessary to safeguard and protect the civil rights of all Americans.

The Commission shall make an annual report to the President and to the Congress on its findings and recommendations, and it may in addition from time to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil-rights matter.

SEC. 5 (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) Within the limitations of its appropriations, the Commission is authorized to appoint a full-time staff director and such other personnel, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

SEC. 104. (a) The Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under study or investigation. Any member of the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

[H. R. 3568, 84th Cong., 1st sess.]

A BILL To establish a Commission on Civil Rights in the executive branch of the Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commission on Civil Rights Act of 1955."

SEC. 2. The Congress finds that the freedoms guaranteed by the Constitution of the United States have contributed, in large measure, to the rapid growth,

productivity, and ingenuity, which characterizes our Nation; that, despite the continuing progress of our Nation with respect to the protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States are being denied, abridged, or threatened. The Congress recognizes that the national security and general welfare of the United States call for more adequate protection of the civil rights of individuals; and that the executive and legislative branches of our Government must be accurately and continuously informed concerning the extent to which fundamental constitutional rights are abridged or denied.

SEC. 3. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in the office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC. 4. It shall be the duty and function of the Commission to gather timely and authoritative information concerning economic, social, legal, and other developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights; to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil rights; to assist States, counties, municipalities, and private agencies in conducting studies to protect civil rights of all Americans without regard to race, color, creed, or national origin; and to recommend to the Congress legislation necessary to safeguard and protect the civil rights of all Americans.

The Commission shall make an annual report to the President and to the Congress on its findings and recommendations, and it may in addition from time to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil-rights matter.

SEC. 5. (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) Within the limitations of its appropriations, the Commission is authorized to appoint a full-time staff director and such other personnel, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

SEC. 104. (a) The Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under study or investigation. Any member of the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

[H. R. 3579, 84th Cong., 1st sess.]

A BILL To establish a Commission on Civil Rights in the executive branch of the Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commission on Civil Rights Act of 1955."

SEC. 2. The Congress finds that the freedoms guaranteed by the Constitution of the United States have contributed, in large measure, to the rapid growth, productivity, and ingenuity, which characterizes our Nation; that, despite the continuing progress of our Nation with respect to the protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States are being denied, abridged, or threatened. The Congress recognizes that the national security and general welfare of the United States call for more adequate protection of the civil rights of individuals; and that the Executive and Legislative Branches of our Government must be accurately and continuously informed concerning the extent to which fundamental constitutional rights are abridged or denied.

SEC. 3. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in the office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC. 4. It shall be the duty and function of the Commission to gather timely and authoritative information concerning economic, social, legal, and other developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights; to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil rights; to assist States, counties, municipalities, and private agencies in conducting studies to protect civil rights of all Americans without regard to race, color, creed, or national origin; and to recommend to the Congress, legislation necessary to safeguard and protect the civil rights of all Americans.

The Commission shall make an annual report to the President and to the Congress on its findings and recommendations, and it may in addition from time to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil-rights matter.

SEC. 5. (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) Within the limitations of its appropriations, the Commission is authorized to appoint a full-time staff director and such other personnel, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

SEC. 104 (a) The Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under study or investigation. Any member of the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

[H. R. 5351, 84th Cong., 1st sess.]

A BILL To establish a Commission on Civil Rights in the Executive Branch of the Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commission on Civil Rights Act of 1955."

SEC. 2. The Congress finds that the freedoms guaranteed by the Constitution of the United States have contributed, in large measure, to the rapid growth, productivity, and ingenuity which characterizes our Nation; that, despite the continuing progress of our Nation with respect to the protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States are being denied, abridged, or threatened. The Congress recognizes that the national security and general welfare of the United States call for more adequate protection of the civil rights of individuals; and that the Executive and Legislative Branches of our Government must be accurately and continuously informed concerning the extent to which fundamental constitutional rights are abridged or denied.

SEC. 3. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in the office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC. 4. It shall be the duty and function of the Commission to gather timely and authoritative information concerning economic, social, legal, and other developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights; to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil rights; to assist States, counties, municipalities, and private agencies in conducting studies to protect civil rights of all Americans without regard to race, color, creed, or national origin; and to recommend to the Congress legislation necessary to safeguard and protect the civil rights of all Americans.

The Commission shall make an annual report to the President and to the Congress of its findings and recommendations, and it may in addition from time to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil-rights matter.

SEC. 5. (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance

of its functions All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) Within the limitations of its appropriations, the Commission is authorized to appoint a full-time staff director and such other personnel, to procure such printing and binding, and to make such expenditures as in its discretion it deems necessary and advisable.

SEC. 104. (a) The Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under study or investigation. Any member of the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

[H. R. 627, 84th Cong., 1st sess.]

A BILL To provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and parts according to the following table of contents, may be cited as the "Civil Rights Act of 1955."

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SEC. 2. (a) The Congress hereby finds that, despite the continuing progress of our Nation with respect to protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States are being denied, abridged, or threatened, and that such infringements upon the American principle of freedom and equality endanger our form of government and are destructive of the basic doctrine of the integrity and dignity of the individual upon which this Nation was founded and which distinguishes it from the totalitarian nations. The Congress recognizes that it is essential to the national security and the general welfare that this gap between principle and practice be closed; and that more adequate protection of the civil rights of individuals must be provided to preserve our American heritage, halt the undermining of our constitutional guarantees, and prevent serious damage to our moral, social, economic, and political life, and to our international relations.

(b) The Congress, therefore, declares that it is its purpose to strengthen and secure the civil rights of the people of the United States under the Constitution,

and that it is the national policy to protect the right of the individual to be free from discrimination based upon race, color, religion, or national origin.

(c) The Congress further declares that the succeeding provisions of this Act are necessary for the following purposes:

(i) To insure the more complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States, and to enforce the provisions of the Constitution

(ii) To safeguard to the several States and Territories of the United States a republican form of government from the lawless conduct of persons threatening to destroy the several systems of public criminal justice and frustrate the functioning thereof through duly constituted officials.

(iii) To promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race or religion, in accordance with the undertaking of the United States under the United Nations Charter, and to further the national policy in that regard by securing to all persons under the jurisdiction of the United States effective recognition of certain of the rights and freedoms proclaimed by the General Assembly of the United Nations in the Universal Declaration of Human Rights

(d) To the end that these policies may be effectively carried out by a positive program of Federal action the provisions of this Act are enacted.

SEC. 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

TITLE I—PROVISIONS TO STRENGTHEN THE FEDERAL GOVERNMENT MACHINERY FOR THE PROTECTION OF CIVIL RIGHTS

PART I—ESTABLISHMENT OF A COMMISSION ON CIVIL RIGHTS IN THE EXECUTIVE BRANCH OF THE GOVERNMENT

SEC. 101. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the President by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in the office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC. 102. It shall be the duty and function of the Commission to gather timely and authoritative information concerning social and legal developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights; and to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil rights. The Commission shall make an annual report of the President on its findings and recommendations, and it may in addition from time to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil-rights matter.

SEC. 103. (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) The Commission shall have authority to accept and utilize services of voluntary and uncompensated personnel and to pay any such personnel actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

(c) Within the limitations of its appropriations, the Commission is authorized to appoint a full-time staff director and such other personnel, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

PART 2—REORGANIZATION OF CIVIL RIGHTS ACTIVITIES OF THE DEPARTMENT OF JUSTICE

SEC. 111. There shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States.

SEC. 112. The personnel of the Federal Bureau of Investigation of the Department of Justice shall be increased to the extent necessary to carry out effectively the duties of such Bureau with respect to the investigation of civil-rights cases under applicable Federal law. Such Bureau shall include in the training of its agents appropriate training and instructions, to be approved by the Attorney General, in the investigation of civil-rights cases.

PART 3—CREATION OF A JOINT CONGRESSIONAL COMMITTEE ON CIVIL RIGHTS

SEC. 121. There is established a Joint Committee on Civil Rights (hereinafter called the "Joint Committee"), to be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The party representation on the Joint Committee shall as nearly as may be feasible reflect the relative membership of the majority and minority parties in the Senate and House of Representatives.

SEC. 122. It shall be the function of the Joint Committee to make a continuing study of matters relating to civil rights, including the rights, privileges, and immunities secured and protected by the Constitution and laws of the United States; to study means of approving respect for and enforcement of civil rights; and to advise with the several committees of the Congress dealing with legislation relating to civil rights.

SEC. 123. Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original selection. The Joint Committee shall select a Chairman and a Vice Chairman from among its members.

SEC. 124. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, as it deems advisable. The provisions of sections 102 to 104, inclusive, of the Revised Statutes, as amended (2 U. S. C. 192, 193, 194), shall apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section. Within the limitations of its appropriations, the Joint Committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistance, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable. The cost of stenographic services to report hearings of the Joint Committee, or any subcommittee thereof, shall not exceed 25 cents per hundred words.

SEC. 125. Funds appropriated to the Joint Committee shall be disbursed by the Secretary of the Senate on vouchers signed by the Chairman and Vice Chairman.

SEC. 126. The Joint Committee may constitute such advisory committees and may consult with such representatives of State and local governments and private organizations as it deems advisable.

TITLE II—PROVISIONS TO STRENGTHEN PROTECTION OF THE INDIVIDUAL'S RIGHTS TO LIBERTY, SECURITY, CITIZENSHIP AND ITS PRIVILEGES

PART 1—AMENDMENTS AND SUPPLEMENTS TO EXISTING CIVIL-RIGHTS STATUTES

SEC. 201. Title 18, United States Code, section 241, is amended to read as follows:

"SEC 241. (a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise of enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) Any person or persons violating the provisions of subsections (a) and (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq), and the United States court of any Territory or other place subject to the jurisdiction of the United States."

SEC. 202. Title 18, United States Code, section 242, is amended to read as follows:

"SEC 242. Whoever, under color of any law, statute, ordinance, regulation, or custom, wilfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged."

SEC. 203. Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

"SEC. 242A. The rights, privileges, and immunities referred to in title 18, United States Code, section 242, shall be deemed to include, but shall not be limited to, the following:

"(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

"(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial and upon conviction and sentence pursuant to due process of law.

"(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses.

"(4) The right to be free of illegal restraint of the person.

"(5) The right to protection of person and property without discrimination by reason of race, color, religion, or national origin.

"(6) The right to vote as protected by Federal law."

SEC 204. Title 18, United States Code, section 1583, is amended to read as follows:

"SEC. 1583. Whoever holds or kidnaps or carries away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave; or

"Whoever entices, persuades, or induces any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he may be made a slave or held in involuntary servitude, shall be fined not more than \$5,000, or imprisoned not more than five years, or both."

PART 2—PROJECTION OF RIGHT TO POLITICAL PARTICIPATION

SEC. 211. Title 18, United States Code, section 594, is amended to read as follows:

"SEC 594. Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC 212. Section 2004 of the Revised Statutes (8 U. S. C. 31) is amended to read as follows:

"All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality or other Territorial subdivision, without distinction, direct or indirect, based on race, color, religion, or national origin; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (8 U. S. C. 43), and other applicable provisions of law."

SEC 213. In addition to the criminal penalties provided, any person or persons violating the provisions of section 211 of this part shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The provisions of sections 211 and 212 of this part shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States

PART 3.—PROHIBITION AGAINST DISCRIMINATION OR SEGREGATION IN INTERSTATE TRANSPORTATION

SEC. 221. (a) All persons traveling within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, and privileges of any public conveyance operated by a common carrier engaged in interstate or foreign commerce, and all the facilities furnished or connected therewith, subject only to conditions and limitations applicable alike to all persons, without discrimination or segregation based on race, color, religion, or national origin.

(b) Whoever, whether acting in a private, public, or official capacity, denies or attempts to deny to any person traveling within the jurisdiction of the United States the full and equal enjoyment of any accommodation, advantage, or privilege of a public conveyance operated by a common carrier engaged in interstate or foreign commerce, except for reasons applicable alike to all persons of every race, color, religion, or national origin, or whoever incites or otherwise partici-

pates in such denial or attempt, shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

SEC. 222. It shall be unlawful for any common carrier engaged in interstate or foreign commerce, or any officer, agent, or employee thereof, to segregate, or attempt to segregate, or otherwise discriminate against passengers using any public conveyance or facility of such carrier engaged in interstate or foreign commerce, on account of the race, color, religion, or national origin of such passengers. Any such carrier or officer, agent, or employee thereof who segregates or attempts to segregate such passengers or otherwise discriminate against them on account of race, color, religion, or national origin shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

[H. R. 3389, 84th Cong., 1st sess.]

A BILL To protect the civil rights of individuals by establishing a Commission on Civil Rights in the executive branch of the Government, a Civil Rights Division in the Department of Justice, and a Joint Congressional Committee on Civil Rights, to strengthen the criminal laws protecting the civil rights of individuals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Human Rights Act of 1955."

TITLE I—COMMISSION ON CIVIL RIGHTS

SEC. 101. The Congress finds that the freedoms guaranteed by the Constitution of the United States have contributed, in large measure, to the rapid growth, productivity, and ingenuity, which characterizes our Nation; that, despite the continuing progress of our Nation with respect to the protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States, are being denied, abridged, or threatened. The Congress recognizes that the national security and general welfare of the United States calls for more adequate protection of the civil rights of individuals; and that the executive and legislative branches of our Government must be accurately and continuously informed concerning the extent to which fundamental constitutional rights are abridged or denied.

SEC. 102. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in the office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC. 103. (a) It shall be the duty and function of the Commission to gather timely and authoritative information concerning economic, social, legal, and

other developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights; to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil rights; to assist States, counties, municipalities, and private agencies in conducting studies to protect civil rights of all Americans without regard to race, color, creed, or national origin; and to recommend to the Congress legislation necessary to safeguard and protect the civil rights of all Americans.

(b) The Commission shall make an annual report to the President and to the Congress on its findings and recommendations, and it may in addition from time to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil-rights matter.

SEC. 104 (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) Within the limitations of its appropriations, the Commission is authorized to appoint a full-time staff director and such other personnel, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

SEC. 105 (a) The Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under study or investigation. Any member of the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

TITLE II—CIVIL RIGHTS DIVISION OF THE DEPARTMENT OF JUSTICE

SEC. 201. There shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States.

SEC. 202 The personnel of the Federal Bureau of Investigation of the Department of Justice shall be increased to the extent necessary to carry out effectively the duties of such Bureau with respect to the investigation of civil-rights cases under applicable Federal law. Such Bureau shall include in the training of its agents appropriate training and instructions, to be approved by the Attorney General, in the investigation of civil-rights cases.

TITLE III—JOINT COMMITTEE ON CIVIL RIGHTS

SEC. 301. There is established a Joint Committee on Civil Rights (hereinafter called the "joint committee"), to be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The party representation on the joint committee shall as nearly as may be

feasible reflect the relative membership of the majority and minority parties in the Senate and House of Representatives.

SEC. 302. It shall be the function of the joint committee to make a continuing study of matters relating to civil rights, including the rights, privileges, and immunities secured and protected by the Constitution and laws of the United States; to study means of improving respect for and enforcement of civil rights; and to advise with the several committees of the Congress dealing with legislation relating to civil rights.

SEC. 303. Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

SEC. 304. The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, as it deems advisable. The provisions of sections 102 to 104, inclusive, of the Revised Statutes, as amended (2 U. S. C. 192, 193, 194), shall apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section. Within the limitations of its appropriations, the joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistance, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable. The cost of stenographic services to report hearings of the joint committee, or any subcommittee thereof, shall not exceed 40 cents per hundred words.

SEC. 305. Funds appropriated to the joint committee shall be disbursed by the Secretary of the Senate on vouchers signed by the chairman and vice chairman.

SEC. 306. The joint committee may constitute such advisory committees and may consult with such representatives of State and local governments and private organizations as it deems advisable.

TITLE IV—CRIMINAL LAWS PROTECTING CONSTITUTIONAL RIGHTS, PRIVILEGES, AND IMMUNITIES

SEC. 401. Title 18, United States Code, section 241, is amended to read as follows:

“§ 241. Conspiracy against rights of citizens

“(a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

“If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 or imprisoned not more than ten years, or both

“(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

“If any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

“(c) Any person or persons violating the provisions of subsection (a) or (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The

term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States."

SEC. 402. Title 18, United States Code, section 242, is amended to read as follows:

"§ 242. Deprivation of rights under color of law

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged."

SEC. 403. Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

"§ 242A. Enumeration of rights, privileges, and immunities

"The rights, privileges, and immunities referred to in title 18, United States Code, section 242, shall be deemed to include, but shall not be limited to, the following:

"(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

"(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial and upon conviction and sentence pursuant to due process of law.

"(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses

"(4) The right to be free of illegal restraint of the person.

"(5) The right to protection of person and property without discrimination by reason of race, color, religion, or national origin.

"(6) The right to vote as protected by Federal law."

SEC. 404. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE V—LAWS PROTECTING RIGHT TO POLITICAL PARTICIPATION

SEC. 501. Title 18, United States Code, section 594, is amended to read as follows:

"§ 594. Intimidation of voters

"Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 502. Section 2004 of the Revised Statutes (42 U. S. C. 1971) is amended to read as follows:

"SEC 2004. All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people, conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality, or other Territorial subdivision, without distinction, direct or indirect, based on race, color, religion, or national origin; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning

of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (42 U. S. C. 1983), and other applicable provisions of law."

SEC. 503. In addition to the criminal penalties provided, any person or persons violating the provisions of section 594 of title 18, United States Code, shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The provisions of such section and of section 2004 of the Revised Statutes shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States.

SEC. 504. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE VI—CRIMINAL LAWS RELATING TO CONVICT LABOR, PEONAGE, SLAVERY, AND INVOLUNTARY SERVITUDE

SEC. 601. Subsection (a) of section 1581 of title 18, United States Code, is amended to read as follows:

"(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, or attempts to hold, return, or arrest any person with such intent, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 602. Section 1583 of such title is amended to read as follows:

"§ 1583. Enticement into slavery

"Whoever holds or kidnaps or carries away any other person, or attempts to hold, kidnap, or carry away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave; or

"Whoever entices, persuades, or induces, or attempts to entice, persuade, or induce, any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he be made a slave or held in involuntary servitude, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 603. Section 1584 of such title is amended to read as follows:

"§ 1584. Sale into involuntary servitude

"Whoever knowingly and willfully holds to involuntary servitude, or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, or attempts to commit any of the foregoing acts, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

TITLE VII—PROHIBITION AGAINST DISCRIMINATION IN INTERSTATE TRANSPORTATION

SEC. 701. (a) All persons traveling within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, and privileges of any public conveyance operated by a common carrier engaged in interstate or foreign commerce, and all the facilities furnished or connected therewith, subject only to conditions and limitations applicable alike to all persons, without discrimination or segregation based on race, color, religion, or national origin.

(b) Whoever, whether acting in a private, public, or official capacity, denies or attempts to deny to any person traveling within the jurisdiction of the United States the full and equal enjoyment of any accommodation, advantage, or privilege of a public conveyance operated by a common carrier engaged in interstate or foreign commerce, except for reasons applicable alike to all persons of every race, color, religion, or national origin, or whoever incites or otherwise participates in such denial or attempt, shall be guilty of a misdemeanor and

shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person or by his estate, in an action at law, suit in equity, or other proper proceedings for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

SEC. 702. It shall be unlawful for any common carrier engaged in interstate or foreign commerce, or any officer, agent, or employee thereof, to segregate, or attempt to segregate, or otherwise discriminate against passengers using any public conveyance or facility of such carrier engaged in interstate or foreign commerce, on account of the race, color, religion, or national origin of such passengers. Any such carrier or officer, agent, or employee thereof who segregates or attempts to segregate such passengers or otherwise discriminate against them on account of race, color, religion, or national origin shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person in an action of law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

[H. R. 3423, 84th Cong., 1st sess.]

A BILL To protect the civil rights of individuals by establishing a Commission on Civil Rights in the executive branch of the Government, a Civil Rights Division in the Department of Justice, and a Joint Congressional Committee on Civil Rights, to strengthen the criminal laws protecting the civil rights of individuals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Human Rights Act of 1955."

TITLE I—COMMISSION ON CIVIL RIGHTS

SEC. 101. The Congress finds that the freedoms guaranteed by the Constitution of the United States have contributed, in large measure, to the rapid growth, productivity, and ingenuity which characterizes our Nation; that, despite the continuing progress of our Nation with respect to the protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States are being denied, abridged, or threatened. The Congress recognizes that the national security and general welfare of the United States calls for more adequate protection of the civil rights of individuals; and that the executive and legislative branches of our Government must be accurately and continuously informed concerning the extent to which fundamental constitutional rights are abridged or denied.

SEC. 102. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in the office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC. 103. (a) It shall be the duty and function of the Commission to gather timely and authoritative information concerning economic, social, legal, and

other developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights; to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil rights; to assist States, counties, municipalities, and private agencies in conducting studies to protect civil rights of all Americans without regard to race, color, creed, or national origin; and to recommend to the Congress legislation necessary to safeguard and protect the civil rights of all Americans.

(b) The Commission shall make an annual report to the President and to the Congress on its findings and recommendations, and it may in addition from time to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil-rights matter.

SEC. 104. (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) Within the limitations of its appropriations, the Commission is authorized to appoint a full-time staff director and such other personnel, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

SEC. 105. (a) The Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under study or investigation. Any member of the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

TITLE II—CIVIL RIGHTS DIVISION OF THE DEPARTMENT OF JUSTICE

SEC. 201. There shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States.

SEC. 202. The personnel of the Federal Bureau of Investigation of the Department of Justice shall be increased to the extent necessary to carry out effectively the duties of such Bureau with respect to the investigation of civil-rights cases under applicable Federal law. Such Bureau shall include in the training of its agents appropriate training and instructions, to be approved by the Attorney General, in the investigation of civil-rights cases.

TITLE III—JOINT COMMITTEE ON CIVIL RIGHTS

SEC. 301. There is established a Joint Committee on Civil Rights (hereinafter called the "joint committee"), to be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The party representation on the joint committee shall as nearly as may be

feasible reflect the relative membership of the majority and minority parties in the Senate and House of Representatives.

Sec. 302. It shall be the function of the joint committee to make a continuing study of matters relating to civil rights, including the rights, privileges, and immunities secured and protected by the Constitution and laws of the United States; to study means of improving respect for and enforcement of civil rights; and to advise with the several committees of the Congress dealing with legislation relating to civil rights.

Sec. 303. Vacancies in membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

Sec. 304. The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, as it deems advisable. The provisions of sections 102 to 104, inclusive, of the Revised Statutes, as amended (2 U. S. C 192, 193, 194), shall apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section. Within the limitations of its appropriations, the joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistance, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable. The cost of stenographic services to report hearings of the joint committee, or any subcommittee thereof, shall not exceed 40 cents per hundred words.

Sec. 305. Funds appropriated to the joint committee shall be disbursed by the Secretary of the Senate on vouchers signed by the chairman and vice chairman.

Sec. 306. The joint committee may constitute such advisory committees and may consult with such representatives of State and local governments and private organizations as it deems advisable.

TITLE IV—CRIMINAL LAWS PROTECTION CONSTITUTIONAL RIGHTS, PRIVILEGES, AND IMMUNITIES

Sec 402. Title 18, United States Code, section 241, is amended to read as follows:

"§ 241. Conspiracy against rights of citizens

"(a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) Any person or persons violating the provisions of subsection (a) or (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States."

SEC. 402. Title 18, United States Code, section 242, is amended to read as follows:

“§ 242. Deprivation of rights under color of law

“Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.”

SEC. 403. Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

“§ 242A. Enumeration of rights, privileges, and immunities

“The rights, privileges, and immunities referred to in title 18, United States Code, section 242, shall be deemed to include, but shall not be limited to, the following:

“(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

“(2) The right to be immune from punishment for crime or alleged criminal offenses except after fair trial and upon conviction and sentence pursuant to due process of law.

“(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses.

“(4) The right to be free of illegal restraint of the person.

“(5) The right to protection of person and property without discrimination by reason of race, color, religion, or national origin

“(6) The right to vote as protected by Federal law.”

SEC. 404. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE V—LAWS PROTECTING RIGHT TO POLITICAL PARTICIPATION

SEC. 501. Title 18, United States Code, section 594, is amended to read as follows:

“§ 594. Intimidation of voters

“Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”

SEC. 502 Section 2004 of the Revised Statutes (42 U. S. C. 1971) is amended to read as follows:

“SEC 2004. All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality, or other Territorial subdivision, without distinction, direct or indirect, based on race, color, religion, or national origin; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States code, section 242, as amended, section 1979 of the Revised Statutes (42 U. S. C. 1983), and other applicable provisions of law.”

SEC. 503 In addition to the criminal penalties provided, any person or persons violating the provisions of section 594 of title 18, United States Code, shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The provisions of such section and of section 2004 of the Revised Statutes shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States.

SEC. 504. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE VI—CRIMINAL LAWS RELATING TO CONVICT LABOR, PEONAGE, SLAVERY, AND INVOLUNTARY SERVITUDE

SEC. 601. Subsection (a) of section 1581 of title 18, United States Code, is amended to read as follows:

"(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, or attempts to hold, return, or arrest any person with such intent, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 602. Section 1583 of such title is amended to read as follows:

"§ 1583. Enticement into slavery

"Whoever holds or kidnaps or carries away any other person, or attempts to hold, kidnap, or carry away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave; or

"Whoever entices, persuades, or induces, or attempts to entice, persuade, or induce, any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he be made a slave or held in involuntary servitude, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 603 Section 1584 of such title is amended to read as follows:

"§ 1584. Sale into involuntary servitude

"Whoever knowingly and willfully holds to involuntary servitude, or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, or attempts to commit any of the foregoing acts, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

TITLE VII—PROHIBITION AGAINST DISCRIMINATION IN INTERSTATE TRANSPORTATION

SEC. 701. (a) All persons traveling within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, and privileges of any public conveyance operated by a common carrier engaged in interstate or foreign commerce, and all the facilities furnished or connected therewith, subject only to conditions and limitations applicable alike to all persons, without discrimination or segregation based on race, color, religion or national origin.

(b) Whoever, whether acting in a private, public, or official capacity, denies or attempts to deny to any person traveling within the jurisdiction of the United States the full and equal enjoyment of any accommodation, advantage, or privilege of a public conveyance operated by a common carrier engaged in interstate or foreign commerce, except for reasons applicable alike to all persons of every race, color, religion, or national origin, or whoever incites or otherwise participates in such denial or attempt, shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person or by his estate, in an action at law,

suit in equity, or other proper proceedings for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

SEC. 702: It shall be unlawful for any common carrier engaged in interstate or foreign commerce, or any officer, agent, or employee thereof, to segregate, or attempt to segregate, or otherwise discriminate against passengers using any public conveyance or facility of such carrier engaged in interstate or foreign commerce, on account of the race, color, religion, or national origin of such passengers. Any such carrier or officer, agent, or employee thereof who segregates or attempts to segregate such passengers or otherwise discriminate against them on account of race, color, religion, or national origin shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person in an action of law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

[H. R. 3472, 84th Cong., 1st sess.]

A BILL To protect the civil rights of individuals by establishing a Commission on Civil Rights in the Executive branch of the Government, a Civil Rights Division in the Department of Justice, and a Joint Congressional Committee on Civil Rights, to strengthen the criminal laws protecting the civil rights of individuals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Human Rights Act of 1955."

TITLE I—COMMISSION ON CIVIL RIGHTS

SEC. 101. The Congress finds that the freedoms guaranteed by the Constitution of the United States have contributed, in large measure, to the rapid growth, productivity, and ingenuity, which characterizes our Nation, that, despite the continuing progress of our Nation with respect to the protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States are being denied, abridged, or threatened. The Congress recognizes that the national security and general welfare of the United States calls for more adequate protection of the civil rights of individuals; and that the executive and legislative branches of our Government must be accurately and continuously informed concerning the extent to which fundamental constitutional rights are abridged or denied.

SEC. 102. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman.

The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in the office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC. 103. (a) It shall be the duty and function of the Commission to gather timely and authoritative information concerning economic, social, legal, and other developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and en-

forcement program of the Federal Government with respect to civil rights; to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil rights; to assist States, counties, municipalities, and private agencies in conducting studies to protect civil rights of all Americans without regard to race, color, creed, or national origin; and to recommend to the Congress legislation necessary to safeguard and protect the civil rights of all Americans.

(b) The Commission shall make an annual report to the President and to the Congress on its findings and recommendations, and it may in addition from time to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil-rights matter.

SEC. 104. (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) Within the limitations of its appropriations, the Commission is authorized to appoint a full-time staff director and such other personnel, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

SEC. 105. (a) The Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under study or investigation. Any member of the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

TITLE II—CIVIL RIGHTS DIVISION OF THE DEPARTMENT OF JUSTICE

SEC. 201. There shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Divisions of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States.

SEC. 202 The personnel of the Federal Bureau of Investigation of the Department of Justice shall be increased to the extent necessary to carry out effectively the duties of such Bureau with respect to the investigation of civil-rights cases under applicable Federal law. Such Bureau shall include in the training of its agents appropriate training and instructions, to be approved by the Attorney General, in the investigation of civil-rights cases.

TITLE III—JOINT COMMITTEE ON CIVIL RIGHTS

SEC. 301. There is established a Joint Committee on Civil Rights (hereinafter called the "joint committee"), to be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The party representation on the joint committee shall as nearly as may be feasible reflect the relative membership of the majority and minority parties in the Senate and House of Representatives.

SEC. 302 It shall be the function of the joint committee to make a continuing study of matters relating to civil rights, including the rights, privileges, and immunities secured and protected by the Constitution and laws of the United States; to study means of improving respect for and enforcement of civil rights; and to advise with the several committees of the Congress dealing with legislation relating to civil rights.

SEC. 303. Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

SEC. 304. The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, as it deems advisable. The provisions of sections 102 to 104, inclusive, of the Revised Statutes, as amended (2 U. S. C. 192, 193, 194), shall apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section. Within the limitations of its appropriations, the joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistance, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable. The cost of stenographic services to report hearings of the joint committee, or any subcommittee thereof, shall not exceed 40 cents per hundred words.

SEC. 305. Funds appropriated to the joint committee shall be disbursed by the Secretary of the Senate on vouchers signed by the chairman and vice chairman.

SEC. 306 The joint committee may constitute such advisory committees and may consult with such representatives of State and local governments and private organizations as it deems advisable.

TITLE IV—CRIMINAL LAWS PROTECTING CONSTITUTIONAL RIGHTS, PRIVILEGES, AND IMMUNITIES

SEC. 401. Title 18, United States Code, section 241, is amended to read as follows:

"§ 241. Conspiracy against rights of citizens

"(a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) Any person or persons violating the provisions of subsection (a) or (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.),

and the United States court of any Territory or other place subject to the jurisdiction of the United States."

SEC. 402. Title 18, United States Code, section 242, is amended to read as follows:

"§ 242. Deprivation of rights under color of law

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged."

SEC. 403. Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

"§ 242A. Enumeration of rights, privileges, and immunities

"The right, privileges, and immunities, referred to in title 18, United States Code, section 242, shall be deemed to include, but shall not be limited to, the following:

"(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

"(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial and upon conviction and sentence pursuant to due process of law.

"(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses.

"(4) The right to be free of illegal restraint of the person.

"(5) The right to protection of person and property without discrimination by reason of race, color, religion, or national origin.

"(6) The right to vote as protected by Federal law."

SEC. 404. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE V—LAWS PROTECTING RIGHT TO POLITICAL PARTICIPATION

SEC. 501. Title 18, United States Code, section 594, is amended to read as follows:

"§ 594. Intimidation of voters

"Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 502. Section 2004 of the Revised Statutes (42 U. S. C. 1971) is amended to read as follows:

"SEC. 2004. All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality, or other Territorial subdivision, without distinction, direct or indirect, based on race, color, religion, or national origin; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (42 U. S. C. 1983), and other applicable provisions of law."

SEC. 503. In addition to the criminal penalties provided, any person or persons violating the provisions of section 594 of title 18, United States Code, shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The provisions of such section and of section 2004 of the Revised Statutes shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States.

SEC. 504. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE VI—CRIMINAL LAWS RELATING TO CONVICT LABOR, PEONAGE, SLAVERY, AND INVOLUNTARY SERVITUDE

SEC. 601. Subsection (a) of section 1581 of title 18, United States Code, is amended to read as follows:

"(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, or attempts to hold, return, or arrest any person with such intent, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 602. Section 1583 of such title is amended to read as follows:

"§ 1583. Enticement into slavery

"Whoever holds or kidnaps or carries away any other person, or attempts to hold, kidnap, or carry away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave; or

"Whoever entices, persuades, or induces, or attempts to entice, persuade, or induce, any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he be made a slave or held in involuntary servitude, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 603. Section 1584 of such title is amended to read as follows:

"§ 1584. Sale into involuntary servitude

"Whoever knowingly and willfully holds to involuntary servitude, or sells into any condition of involuntary servitude, any other person for any term, or bring within the United States any person so held, or attempts to commit any of the foregoing acts, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

TITLE VII—PROHIBITION AGAINST DISCRIMINATION IN INTERSTATE TRANSPORTATION

SEC 701. (a) All persons traveling within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, and privileges of any public conveyance operated by a common carrier engaged in interstate or foreign commerce, and all the facilities furnished or connected therewith, subject only to conditions and limitations applicable alike to all persons, without discrimination or segregation based on race, color, religion, or national origin.

(b) Whoever, whether acting in a private, public, or official capacity, denies or attempts to deny to any person traveling within the jurisdiction of the United States the full and equal enjoyment of any accommodation, advantage, or privilege of a public conveyance operated by a common carrier engaged in interstate or foreign commerce, except for reasons applicable alike to all persons of every race, color, religion, or national origin, or whoever incites or otherwise participates in such denial or attempt, shall be guilty of a misdemeanor and offense, and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person or by his estate, in an action at law, suit in equity, or other proper proceedings for dam-

ages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

SEC. 702. It shall be unlawful for any common carrier engaged in interstate or foreign commerce, or any officer, agent, or employee thereof, to segregate, or attempt to segregate, or otherwise discriminate against passengers using any public conveyance or facility of such carrier engaged in interstate or foreign commerce, on account of the race, color, religion, or national origin of such passengers. Any such carrier or officer, agent, or employee thereof who segregates or attempts to segregate such passengers or otherwise discriminate against them on account of race, color, religion, or national origin shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person in an action of law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

[H. R. 3562, 84th Cong., 1st sess.]

A BILL To protect the civil rights of individuals by establishing a Commission on Civil Rights in the executive branch of the Government, a Civil Rights Division in the Department of Justice, and a Joint Congressional Committee on Civil Rights, to strengthen the criminal laws protecting the civil rights of individuals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Human Rights Act of 1955".

TITLE I—COMMISSION ON CIVIL RIGHTS

SEC. 101. The Congress finds that the freedoms guaranteed by the Constitution of the United States have contributed, in large measure, to the rapid growth, productivity, and ingenuity, which characterizes our Nation; that, despite the continuing progress of our Nation with respect to the protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States are being denied, abridged, or threatened. The Congress recognizes that the national security and general welfare of the United States calls for more adequate protection of the civil rights of individuals; and that the executive and legislative branches of our Government must be accurately and continuously informed concerning the extent to which fundamental constitutional rights are abridged or denied.

SEC. 102. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the member of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in the office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC. 103. (a) It shall be the duty and function of the Commission to gather timely and authoritative information concerning economic, social, legal, and other developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and en-

forcement program of the Federal Government with respect to civil rights; to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil rights; to assist States, counties, municipalities, and private agencies in conducting studies to protect civil rights of all Americans without regard to race, color, creed, or national origin; and to recommend to the Congress legislation necessary to safeguard and protect the civil rights of all Americans.

(b) The Commission shall make an annual report to the President and to the Congress on its findings and recommendations, and it may in addition from time to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil-rights matter.

SEC. 104. (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) Within the limitations of its appropriations, the Commission is authorized to appoint a full-time staff director and such other personnel, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

SEC. 105. (a) The Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under study or investigation. Any member of the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

TITLE II—CIVIL RIGHTS DIVISION OF THE DEPARTMENT OF JUSTICE

SEC. 201. There shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States.

SEC. 202. The personnel of the Federal Bureau of Investigation of the Department of Justice shall be increased to the extent necessary to carry out effectively the duties of such Bureau with respect to the investigation of civil-rights cases under applicable Federal law. Such Bureau shall include in the training of its agents appropriate training and instructions, to be approved by the Attorney General, in the investigation of civil-rights cases.

TITLE III—JOINT COMMITTEE ON CIVIL RIGHTS

SEC. 301. There is established a Joint Committee on Civil Rights (hereinafter called the "joint committee"), to be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The party representation on the joint committee shall as nearly as may be feasible reflect the relative membership of the majority and minority parties in the Senate and House of Representatives.

SEC. 302. It shall be the function of the joint committee to make a continuing study of matters relating to civil rights, including the rights, privileges, and immunities secured and protected by the Constitution and laws of the United States; to study means of improving respect for and enforcement of civil rights; and to advise with the several committees of the Congress dealing with legislation relating to civil rights.

SEC. 303. Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

SEC. 304. The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, as it deems advisable. The provisions of sections 102 to 104, inclusive, of the Revised Statutes, as amended (2 U. S. C. 192, 193, 194), shall apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section. Within the limitations of its appropriations, the joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistance, to procure such printing and binding, and to make such expenditures, in its discretion, it deems necessary and advisable. The cost of stenographic services to report hearings of the joint committee, or any subcommittee thereof, shall not exceed 40 cents per hundred words.

S53. 305. Funds appropriated to the joint committee shall be disbursed by the Secretary of the Senate on vouchers signed by the chairman and vice chairman.

SEC. 306. The joint committee may constitute such advisory committees and may consult with such representatives of State and local governments and private organizations as it deems advisable.

TITLE IV—CRIMINAL LAWS PROTECTING CONSTITUTIONAL RIGHTS, PRIVILEGES, AND IMMUNITIES

SEC. 401. Title 18, United States Code, section 241, is amended to read as follows:

"§ 241. Conspiracy against rights of citizens

"(a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both, or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) Any person or persons violating the provisions of subsection (a) or (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States."

SEC. 402. Title 18, United States Code, section 242, is amended to read as follows:

“§ 242 Deprivation of rights under color of law

“Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.”

SEC. 403. Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

“§ 242A Enumeration of rights, privileges, and immunities

“The rights, privileges, and immunities referred to in title 18, United States Code, section 242, shall be deemed to include, but shall not be limited to the following:

“(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

“(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial and upon conviction and sentence pursuant to due process of law.

“(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses.

“(4) The right to be free of illegal restraint of the person.

“(5) The right to protection of person and property without discrimination by reason of race, color, religion, or national origin

“(6) The right to vote as protected by Federal law.”

SEC. 404. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE V—LAWS PROTECTING RIGHT TO POLITICAL PARTICIPATION

SEC. 501. Title 18, United States Code, section 594, is amended to read as follows.

“§ 594. Intimidation of voters

“Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”

SEC. 502. Section 2004 of the Revised Statutes (42 U. S. C. 1971) is amended to read as follows:

“SEC. 2004. All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality, or other Territorial subdivision, without distinction, direct or indirect, based on race, color, religion, or national origin; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (42 U. S. C. 1983), and other applicable provisions of law.”

SEC. 503 In addition to the criminal penalties provided, any person or persons violating the provisions of section 594 of title 18, United States Code, shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The provisions of such section and of section 2004 of the Revised Statutes shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States.

SEC. 504. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE VI—CRIMINAL LAWS RELATING TO CONVICT LABOR, PEONAGE, SLAVERY, AND INVOLUNTARY SERVITUDE

SEC. 601 Subsection (a) of section 1581 of title 18, United States Code, is amended to read as follows:

"(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, or attempts to hold, return, or arrest any person with such intent, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 602. Section 1583 of such title is amended to read as follows:

"§ 1583 Enticement into slavery

"Whoever holds or kidnaps or carries away any other person, or attempts to hold, kidnap, or carry away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave; or

"Whoever entices, persuades, or induces, or attempts to entice, persuade, or induce, any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he be made a slave or held in involuntary servitude, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 603 Section 1584 of such title is amended to read as follows

"§ 1584. Sale into involuntary servitude

"Whoever knowingly and willfully holds to involuntary servitude, or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, or attempts to commit any of the foregoing acts, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

TITLE VII—PROHIBITION AGAINST DISCRIMINATION IN INTERSTATE TRANSPORTATION

SEC. 701. (a) All persons traveling within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, and privileges of any public conveyance operated by a common carrier engaged in interstate or foreign commerce, and all the facilities furnished or connected therewith, subject only to conditions and limitations applicable alike to all persons, without discrimination or segregation based on race, color, religion, or national origin.

(b) Whoever, whether acting in a private, public, or official capacity, denies or attempts to deny to any person traveling within the jurisdiction of the United States the full and equal enjoyment of any accommodation, advantage, or privilege of a public conveyance operated by a common carrier engaged in interstate or foreign commerce, except for reasons applicable alike to all persons of every race, color, religion, or national origin, or whoever incites or otherwise participates in such denial or attempt, shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person or by his estate, in an action at law, suit in equity, or other proper proceedings for damages or preventive or

declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

SEC. 702. It shall be unlawful for any common carrier engaged in interstate or foreign commerce, or any officer, agent, or employee thereof, to segregate, or attempt to segregate, or otherwise discriminate against passengers using any public conveyance or facility of such carrier engaged in interstate or foreign commerce, on account of the race, color, religion, or national origin of such passengers. Any such carrier or officer, agent, or employee thereof who segregates or attempts to segregate such passengers or otherwise discriminate against them on account of race, color, religion, or national origin shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person in an action of law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

[H. R. 3585, 84th Cong., 1st sess.]

A BILL To protect the civil rights of individuals by establishing a Commission on Civil Rights in the Executive branch of the Government, a Civil Rights Division in the Department of Justice, and a Joint Congressional Committee on Civil Rights, to strengthen the criminal laws protecting the civil rights of individuals, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Human Rights Act of 1955."

TITLE I—COMMISSION ON CIVIL RIGHTS

SEC. 101. The Congress finds that the freedoms guaranteed by the Constitution of the United States have contributed, in large measure, to the rapid growth, productivity, and ingenuity, which characterizes our Nation; that, despite the continuing progress of our Nation with respect to the protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States are being denied, abridged, or threatened. The Congress recognizes that the national security and general welfare of the United States calls for more adequate protection of the civil rights of individuals; and that the executive and legislative branches of our Government must be accurately and continuously informed concerning the extent to which fundamental constitutional rights are abridged or denied.

SEC. 102. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in the office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10).

SEC. 103. (a) It shall be the duty and function of the Commission to gather timely and authoritative information concerning economic, social, legal, and other developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights; to

appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil rights; to assist States, counties, municipalities, and private agencies in conducting studies to protect civil rights of all Americans without regard to race, color, creed, or national origin; and to recommend to the Congress legislation necessary to safeguard and protect the civil rights of all Americans.

(b) The Commission shall make an annual report to the President and to the Congress on its findings and recommendations, and it may in addition from time to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil-rights matter.

SEC. 104. (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies, in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) Within the limitations of its appropriations, the Commission is authorized to appoint a full-time staff director and such other personnel, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

SEC. 105. (a) The Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under study or investigation. Any member of the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

TITLE II—CIVIL RIGHTS DIVISION OF THE DEPARTMENT OF JUSTICE

SEC. 201. There shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States.

SEC. 202. The personnel of the Federal Bureau of Investigation of the Department of Justice shall be increased to the extent necessary to carry out effectively the duties of such Bureau with respect to the investigation of civil-rights cases under applicable Federal law. Such Bureau shall include in the training of its agents appropriate training and instructions, to be approved by the Attorney General, in the investigation of civil-rights cases.

TITLE III—JOINT COMMITTEE ON CIVIL RIGHTS

SEC. 301. There is established a Joint Committee on Civil Rights (hereinafter called the "joint committee"), to be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The party representation on the joint committee shall as nearly as may be feasible reflect the relative membership of the majority and minority parties in the Senate and House of Representatives.

SEC. 302. It shall be the function of the joint committee to make a continuing study of matters relating to civil rights, including the rights, privileges, and

immunities secured and protected by the Constitution and laws of the United States; to study means of improving respect for and enforcement of civil rights; and to advise with the several committees of the Congress dealing with legislation relating to civil rights.

SEC. 303. Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

SEC. 304. The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, as it deems advisable. The provisions of sections 102 to 104, inclusive, of the Revised Statutes, as amended (2 U. S. C. 192, 193, 194), shall apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section. Within the limitations of its appropriations, the joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistance, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable. The cost of stenographic services to report hearings of the joint committee, or any subcommittee thereof, shall not exceed 40 cents per hundred words.

SEC. 305. Funds appropriated to the joint committee shall be disbursed by the Secretary of the Senate on vouchers signed by the chairman and vice chairman.

SEC. 306. The joint committee may constitute such advisory committees and may consult with such representatives of State and local governments and private organizations as it deems advisable.

TITLE IV—CRIMINAL LAWS PROTECTING CONSTITUTIONAL RIGHTS, PRIVILEGES, AND IMMUNITIES

SEC. 401. Title 18, United States Code, section 241, is amended to read as follows:

"§ 241 Conspiracy against rights of citizens

"(a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 or imprisoned not more than ten years, or both

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) Any person or persons violating the provisions of subsection (a) or (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States."

SEC. 402. Title 18, United States Code, section 242, is amended to read as follows:

“§ 242. Deprivation of rights under color of law

“Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.”

SEC. 403. Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

“§ 242A Enumeration of rights, privileges, and immunities

“The rights, privileges, and immunities, referred to in title 18, United States Code, section 242, shall be deemed to include, but shall not be limited to, the following:

“(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

“(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial and upon conviction and sentence pursuant to due process of law

“(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses

“(4) The right to be free of illegal restraint of the person.

“(5) The right to protection of person and property without discrimination by reason of race, color, religion, or national origin.

“(6) The right to vote as protected by Federal law.”

SEC. 404. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby

TITLE V—LAWS PROTECTING RIGHT TO POLITICAL PARTICIPATION

Src. 501 Title 18, United States Code, section 594, is amended to read as follows

§ 594 Intimidation of voters

“Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”

SEC. 502. Section 2004 of the Revised Statutes (42 U. S. C 1971) is amended to read as follows:

“SEC. 2004 All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality, or other Territorial subdivision, without distinction, direct or indirect, based on race, color, religion, or national origin, and constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (42 U. S. C. 1983), and other applicable provisions of law.”

SEC. 503. In addition to the criminal penalties provided, any person or persons violating the provisions of section 594 of title 18, United States Code, shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The provisions of such section and of section 2004 of the

Revised Statutes shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States.

SEC. 504. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE VI—CRIMINAL LAWS RELATING TO CONVICT LABOR, PEONAGE, SLAVERY, AND INVOLUNTARY SERVITUDE

SEC. 601. Subsection (a) of section 1581 of title 18, United States Code, is amended to read as follows:

"(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, or attempts to hold, return, or arrest any person with such intent, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 602. Section 1583 of such title is amended to read as follows:

§ 1583. Enticement into slavery

"Whoever holds or kidnaps or carries away any other person, or attempts to hold, kidnap, or carry away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave; or

"Whoever entices, persuades, or induces, or attempts to entice, persuade, or induce, any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he be made a slave or held in involuntary servitude, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 603. Section 1584 of such title is amended to read as follows:

"§ 1584. Sale into involuntary servitude

"Whoever knowingly and willfully holds to involuntary servitude, or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, or attempts to commit any of the foregoing acts, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

TITLE VII—PROHIBITION AGAINST DISCRIMINATION IN INTERSTATE TRANSPORTATION

SEC. 701. (a) All persons traveling within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, and privileges of any public conveyance operated by a common carrier engaged in interstate or foreign commerce, and all the facilities furnished or connected therewith, subject only to conditions and limitations applicable alike to all persons, without discrimination or segregation based on race, color, religion, or national origin.

(b) Whoever, whether acting in a private, public, or official capacity, denies or attempts to deny to any person traveling within the jurisdiction of the United States the full and equal enjoyment of any accommodation, advantage, or privilege of a public conveyance operated by a common carrier engaged in interstate or foreign commerce, except for reasons applicable alike to all persons of every race, color, religion, or national origin, or whoever incites or otherwise participates in such denial or attempt, shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person or by his estate, in an action at law, suit in equity, or other proper proceedings for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without

regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

SEC. 702. It shall be unlawful for any common carrier engaged in interstate or foreign commerce, or any officer, agent, or employee thereof, to segregate, or attempt to segregate, or otherwise discriminate against passengers using any public conveyance or facility of such carrier engaged in interstate or foreign commerce, on account of the race, color, religion, or national origin of such passengers. Any such carrier or officer, agent, or employee thereof who segregates or attempts to segregate such passengers or otherwise discriminate against them on account of race, color, religion, or national origin shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person in an action of law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

[H R 5348, 84th Cong., 1st sess.]

A BILL To protect the civil rights of individuals by establishing a Commission on Civil Rights in the executive branch of the Government, a Civil Rights Division in the Department of Justice, and a Joint Congressional Committee on Civil Rights, to strengthen the criminal laws protecting the civil rights of individuals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Human Rights Act of 1955."

TITLE I—COMMISSION ON CIVIL RIGHTS

SEC. 101. The Congress finds that the freedoms guaranteed by the Constitution of the United States have contributed, in large measure, to the rapid growth, productivity, and ingenuity, which characterizes our Nation. that, despite the continuing progress of our Nation with respect to the protection of the rights of individuals, the civil rights of some persons within the jurisdiction of the United States are being denied, abridged, or threatened. The Congress recognizes that the national security and general welfare of the United States calls for more adequate protection of the civil rights of individuals; and that the executive and legislative branches of our Government must be accurately and continuously informed concerning the extent to which fundamental constitutional rights are abridged or denied

SEC. 102. There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission"). The Commission shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in the office. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. Three members of the Commission shall constitute a quorum. Each member of the Commission shall receive the sum of \$50 per day for each day spent in the work of the Commission, together with actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10)

SEC. 103. (a) It shall be the duty and function of the Commission to gather timely and authoritative information concerning economic, social, legal, and other developments affecting the civil rights of individuals under the Constitution and laws of the United States; to appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights; to appraise the activities of the Federal, State, and local governments, and the activities of private individuals and groups, with a view to determining what activities adversely affect civil rights; to assist States, counties, municipalities, and private agencies in conducting studies to protect civil rights of all Ameri-

eans without regard to race, color, creed, or national origin; and to recommend to the Congress legislation necessary to safeguard and protect the civil rights of all Americans.

(b) The Commission shall make an annual report to the President and to the Congress, on its findings and recommendations, and it may in addition from time to time, as it deems appropriate or at the request of the President, advise the President of its findings and recommendations with respect to any civil-rights matter.

SEC 104. (a) The Commission may constitute such advisory committees and may consult with such representatives of State and local governments, and private organizations, as it deems advisable. The Commission shall, to the fullest extent possible, utilize the services, facilities, and information of other Government agencies, as well as private research agencies in the performance of its functions. All Federal agencies are directed to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(b) Within the limitations of its appropriations, the Commission is authorized to appoint a full-time staff director and such other personnel, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable.

SEC 105 (a) The Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under study or investigation. Any member of the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States court of any Territory or possession, or the District of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

TITLE II—CIVIL RIGHTS DIVISION OF THE DEPARTMENT OF JUSTICE

SEC 201 There shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States.

SEC 202. The personnel of the Federal Bureau of Investigation of the Department of Justice shall be increased to the extent necessary to carry out effectively the duties of such Bureau with respect to the investigation of civil-rights cases under applicable Federal law. Such Bureau shall include in the training of its agents appropriate training and instructions, to be approved by the Attorney General, in the investigation of civil-rights cases.

TITLE III—JOINT COMMITTEE ON CIVIL RIGHTS

SEC 301. There is established a Joint Committee on Civil Rights (hereinafter called the "joint committee"), to be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The party representation on the joint committee shall as nearly as may be feasible reflect the relative membership of the majority and minority parties in the Senate and House of Representatives.

SEC 302. It shall be the function of the joint committee to make a continuing study of matters relating to civil rights, including the rights, privileges, and immunities secured and protected by the Constitution and laws of the United States; to study means of improving respect for and enforcement of civil rights;

and to advise with the several committees of the Congress dealing with legislation relating to civil rights

SEC. 303. Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

SEC. 304. The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, as it deems advisable. The provisions of section 102 to 104, inclusive, of the Revised Statutes, as amended (2 U. S. C. 192, 193, 194), shall apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section. Within the limitations of funds available to it, the joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistance, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary and advisable. The cost of stenographic services to report hearings of the joint committee, or any subcommittee thereof, shall not exceed 40 cents per hundred words.

SEC. 305. Funds available for the joint committee shall be disbursed by the Secretary of the Senate on vouchers signed by the chairman and vice chairman.

SEC. 306. The joint committee may constitute such advisory committees and may consult with such representatives of State and local governments and private organizations as it deems advisable

TITLE IV—CRIMINAL LAWS PROTECTING CONSTITUTIONAL RIGHTS, PRIVILEGES, AND IMMUNITIES

SEC. 401. Section 241 of title 18, United States Code, is amended to read as follows:

"§ 241 Conspiracy against rights of citizens

"(a) If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

"They shall be fined not more than \$5,000 or imprisoned not more than ten years, or both

"(b) If any person injures, oppresses, threatens, or intimidates any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If any person goes in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

"Such person shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the injury or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.

"(c) Any person or persons violating the provisions of subsection (a) or (b) of this section shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all proceedings under this subsection without regard to the sum or value of the matter in controversy. The term 'district courts' includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States"

SEC. 402. Section 242 of title 18, United States Code, is amended to read as follows

“§ 242. Deprivation of rights under color of law

“Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; or shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both, if the deprivation, different punishment, or other wrongful conduct herein shall cause the death or maiming of the person so injured or wronged.”

SEC 403. (a) Title 18, United States Code, is amended by adding after section 242 thereof the following new section:

“§ 242A Enumeration of rights, privileges, and immunities

“The rights, privileges, and immunities referred to in section 242 shall be deemed to include, but shall not be limited to, the following:

“(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

“(2) The right to be immune from punishment for crime or alleged criminal offenses except after a fair trial and upon conviction and sentence pursuant to due process of law

“(3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses.

“(4) The right to be free of illegal restraint of the person

“(5) The right to protection of person and property without discrimination by reason of race, color, religion, or national origin.

“(6) The right to vote as protected by Federal law”

(b) The analysis of chapter 13 of title 18, United States Code immediately preceding section 241 of such code, is amended by inserting immediately after and below—

“242 Deprivation of rights under color of law.”

the following:

“242A Enumeration of rights, privileges, and immunities”

SEC. 404. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE V—LAWS PROTECTING RIGHT TO POLITICAL PARTICIPATION

SEC. 501 Section 594 of title 18, United States Code, is amended to read as follows:

“§ 594 Intimidation of voters

“Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, or Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”

SEC 502 Section 2004 of the Revised Statutes (42 U. S. C. 1971) is amended to read as follows:

“SEC 2004. All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality, or other Territorial subdivision, without distinction, direct or indirect, based on race, color, religion, or national origin; any constitution, law, custom, usage, or regulation of any State or Territory or by or under its authority, to the contrary notwithstanding. The right to qualify to

vote, and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of section 242 of title 18, United States Code, section 1979 of the Revised Statutes (42 U. S. C. 1983), and other applicable provisions of law."

SEC. 503. In addition to the criminal penalties provided, any person or persons violating the provisions of section 594 of title 18, United States Code, shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The provisions of such section and of section 2004 of the Revised Statutes shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States.

SEC. 504. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE VI—CRIMINAL LAWS RELATING TO CONVICT LABOR, PEONAGE, SLAVERY, AND INVOLUNTARY SERVITUDE

SEC. 601. Subsection (a) of section 1581 of title 18, United States Code, is amended to read as follows:

"(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, or attempt to hold, return, or arrest any person with such intent, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 602. Section 1583 of such title is amended to read as follows:

"§ 1583 Enticement into slavery

"Whoever holds or kidnaps or carries away any other person, or attempts to hold, kidnap, or carry away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave, or

"Whoever entices, persuades, or induces, or attempts to entice, persuade, or induce, any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he be made a slave or held in involuntary servitude—

"Shall be fined not more than \$5,000 or imprisoned not more than five years, or both"

SEC. 603. Section 1584 of such title is amended to read as follows:

"§ 1584. Sale into involuntary servitude

"Whoever knowingly and willfully holds to involuntary servitude, or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, or attempts to commit any of the foregoing acts, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

TITLE VII—PROHIBITION AGAINST DISCRIMINATION IN INTERSTATE TRANSPORTATION

SEC. 701. (a) All persons traveling within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, and privileges of any public conveyance operated by a common carrier engaged in interstate or foreign commerce, and all the facilities furnished or connected therewith, subject only to conditions and limitations applicable alike to all persons, without discrimination or segregation based on race, color, religion, or national origin.

((b) Whoever, whether acting in a private, public, or official capacity, denies or attempts to deny to any person traveling within the jurisdiction of the United States the full and equal enjoyment of any accommodation, advantage, or privilege of a public conveyance operated by a common carrier engaged in interstate or foreign commerce, except for reasons applicable alike to all persons of every race, color, religion, or national origin, or whoever incites or otherwise participates in such denial or attempt, shall be guilty of a misdemeanor and

shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. § 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

SEC 702 It shall be unlawful for any common carrier engaged in interstate or foreign commerce, or any officer, agent, or employee thereof, to segregate, or attempt to segregate, or otherwise discriminate against passengers using any public conveyance or facility of such carrier engaged in interstate or foreign commerce, on account of the race, color, religion, or national origin of such passengers. Any such carrier or officer, agent, or employee thereof who segregates or attempts to segregate such passengers or otherwise discriminate against them on account of race, color, religion, or national origin shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed \$1,000 for each offense, and shall also be subject to suit by the injured person in an action of law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. Such suit or proceeding may be brought in any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. § 81 et seq.), or the United States court of any Territory or other place subject to the jurisdiction of the United States, without regard to the sum or value of the matter in controversy, or in any State or Territorial court of competent jurisdiction.

[H. R. 3390, 84th Cong., 1st sess.]

A BILL To protect the right to political participation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, section 594, is amended to read as follows:

"SEC. 594 Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 2. Section 2004 of the Revised Statutes (8 U. S. C. § 31) is amended to read as follows:

"All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality, or other Territorial subdivision, without distinction, direct or indirect, based on race, color, religion, or national origin; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (8 U. S. C. § 43), and other applicable provisions of law."

SEC. 3. In addition to the criminal penalties provided, any person or persons violating the provisions of the first section of this Act shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The provisions of this Act shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district

court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States

SEC. 4 If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H. R. 3419, 84th Cong., 1st sess.]

A BILL To protect the right to political participation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, section 594, is amended to read as follows:

"SEC. 594 Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 2. Section 2004 of the Revised Statutes (8 U. S. C. 31) is amended to read as follows:

"All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality or other Territorial subdivision, without distinction, direct, or indirect, based on race, color, religion, or national origin: any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (8 U. S. C. 43), and other applicable provisions of law."

SEC. 3. In addition to the criminal penalties provided, any person or persons violating the provisions of the first section of this Act shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The provisions of this Act shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States.

SEC. 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H. R. 3476, 84th Cong., 1st sess.]

A BILL To protect the right to political participation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, section 594, is amended to read as follows:

"SEC. 594. Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Mem-

ber of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 2. Section 2004 of the Revised States (8 U. S. C. 31) is amended to read as follows:

"All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality, or other Territorial subdivision, without distinction, direct or indirect, based on race, color, religion, or national origin; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (8 U. S. C. 43), and other applicable provisions of law."

SEC. 3. In addition to the criminal penalties provided, any person or persons violating the provisions of the first section of this Act shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The provisions of this Act shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 and the following), and the United States court of any Territory or other place subject to the jurisdiction of the United States.

SEC. 4. If any provision of this Act or the application thereof to any person or circumstance is held in valid, the validity of the remainder of the Act, and of the application of such provision to other persons and circumstances shall not be affected thereby

[H. R. 3569, 84th Cong., 1st sess.]

A BILL To protect the rights to political participation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, section 594, is amended to read as follows:

"SEC. 594. Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 2. Section 2004 of the Revised Statutes (8 U. S. C. 31) is amended to read as follows:

"All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality, or other Territorial subdivision, without distinction, direct or indirect, based on race, color, religion, or national origin; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (8 U. S. C. 43), and other applicable provisions of law."

SEC 3. In addition to the criminal penalties provided, any person or persons violating the provisions of the first section of this Act shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The provisions of this Act shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The districts courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U S C. 81 and the following), and the United States court of any Territory or other place subject to the jurisdiction of the United States.

SEC 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H. R. 3582, 84th Cong., 1st sess.]

A BILL To protect the right to political participation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, section 594, is amended to read as follows:

"SEC 594. Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC 2. Section 2004 of the Revised Statutes (8 U. S. C. 31) is amended to read as follows:

"All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality, or other Territorial subdivision, without distinction, direct or indirect, based on race, color, religion, or national origin; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of title 18, United States Code, section 242, as amended, section 1979 of the Revised Statutes (8 U S C 43), and other applicable provisions of law."

SEC 3. In addition to the criminal penalties provided, any person or persons violating the provisions of the first section of this Act shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The provisions of this Act shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U S C 81 and the following), and the United States court of any Territory or other place subject to the jurisdiction of the United States.

SEC 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H R 5343, 84th Cong, 1st sess.]

A BILL To protect the right to political participation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 594 of title 18, United States Code, is amended to read as follows:

"§ 594. Intimidation of voters

"Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, or Delegates or Commissioners from the Territories and possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 2. Section 2004 of the Revised Statutes (42 U. S. C. 1971) is amended to read as follows.

"All citizens of the United States who are otherwise eligible by law shall be entitled to and allowed the same and equal opportunity to qualify to vote and to vote at any general, special, or primary election by the people conducted in or by any State, Territory, district, county, city, parish, township, school district, municipality, or other Territorial subdivision, without distinction, direct or indirect, based on race, color, religion, or national origin; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. The right to qualify to vote and to vote, as set forth herein, shall be deemed a right within the meaning of, and protected by, the provisions of section 242 of title 18, United States Code, section 1979 of the Revised Statutes (42 U. S. C. 1983), and other applicable provisions of law."

SEC. 3. In addition to the criminal penalties provided, any person or persons violating the provisions of section 594 of title 18, United States Code (as amended by the first section of this Act) shall be subject to suit by the party injured, or by his estate, in an action at law, suit in equity, or other proper proceeding for damages or preventive or declaratory or other relief. The provisions of such section 594, and of section 2004 of the Revised Statutes (as amended by section 2 of this Act), shall also be enforceable by the Attorney General in suits in the district courts for preventive or declaratory or other relief. The district courts, concurrently with State and Territorial courts, shall have jurisdiction of all other proceedings under this section without regard to the sum or value of the matter in controversy. The term "district courts" includes any district court of the United States as constituted by chapter 5 of title 28, United States Code (28 U. S. C. 81 et seq.), and the United States court of any Territory or other place subject to the jurisdiction of the United States.

SEC. 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[H R. 3391, 84th Cong., 1st sess.]

A BILL To reorganize the Department of Justice for the protection of civil rights

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States.

SEC. 102. The personnel of the Federal Bureau of Investigation of the Department of Justice shall be increased to the extent necessary to carry out effectively the duties of such Bureau with respect to the investigation of civil-rights cases under applicable Federal law. Such Bureau shall include in the

training of its agents appropriate training and instructions, to be approved by the Attorney General, in the investigation of civil-rights cases.

[H R 3478, 84th Cong , 1st sess]

A BILL To reorganize the Department of Justice for the protection of civil rights

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States.

SEC. 102 The personnel of the Federal Bureau of Investigation of the Department of Justice shall be increased to the extent necessary to carry out effectively the duties of such Bureau with respect to the investigation of civil-rights cases under applicable Federal law. Such Bureau shall include in the training of its agents appropriate training and instructions, to be approved by the Attorney General, in the investigation of civil-rights cases.

[H R 3571, 84th Cong , 1st sess]

A BILL To reorganize the Department of Justice for the protection of civil rights

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That there shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States.

SEC. 102 The personnel of the Federal Bureau of Investigation of the Department of Justice shall be increased to the extent necessary to carry out effectively the duties of such Bureau with respect to the investigation of civil-rights cases under applicable Federal law. Such Bureau shall include in the training of its agents appropriate training and instructions, to be approved by the Attorney General, in the investigation of civil-rights cases.

[H R. 3583, 84th Cong , 1st sess]

A BILL To reorganize the Department of Justice for the protection of civil rights

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That there shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States.

SEC. 102. The personnel of the Federal Bureau of Investigation of the Department of Justice shall be increased to the extent necessary to carry out effectively the duties of such Bureau with respect to the investigation of civil-rights cases under applicable Federal law. Such Bureau shall include in the training of its agents appropriate training and instructions, to be approved by the Attorney General, in the investigation of civil-rights cases

[H R 3418, 84th Cong, 1st sess.]

A BILL To reorganize the Department of Justice for the protection of civil rights

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States

SEC 102 The personnel of the Federal Bureau of Investigation of the Department of Justice shall be increased to the extent necessary to carry out effectively the duties of such Bureau with respect to the investigation of civil-rights cases under applicable Federal law. Such Bureau shall include in the training of its agents appropriate training and instructions, to be approved by the Attorney General, in the investigation of civil-rights cases.

[H R 5350, 84th Cong, 1st sess.]

A BILL To reorganize the Department of Justice for the protection of civil rights

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the Department of Justice an additional Assistant Attorney General, learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall, under the direction of the Attorney General, be in charge of a Civil Rights Division of the Department of Justice concerned with all matters pertaining to the preservation and enforcement of civil rights secured by the Constitution and laws of the United States.

SEC 2. The personnel of the Federal Bureau of Investigation of the Department of Justice shall be increased to the extent necessary to carry out effectively the duties of such Bureau with respect to the investigation of civil-rights cases under applicable Federal law. Such Bureau shall include in the training of its agents appropriate training and instructions, to be approved by the Attorney General, in the investigation of civil-rights cases.

[H R. 628, 84th Cong, 1st sess.]

A BILL To amend sections 1581, 1583, and 1584 of title 18, United States Code, so as to prohibit attempts to commit the offenses therein proscribed

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 1581 of title 18, United States Code, is amended to read as follows:

"(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, or attempts to hold, return, or arrest any person with such intent, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC 2 Section 1583 of such title is amended to read as follows:

"Whoever kidnaps, arrests, or carries away any other person, or attempts to kidnap, arrest, or carry away any other person, with the intent that such other person be sold into, held in, or returned to condition of slavery or involuntary servitude; or

"Whoever entices, persuades, induces, or attempts to entice, persuade, or induce, any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held—

"Shall be fined not more than \$5,000 or imprisoned not more than five years, or both"

SEC. 3. Section 1584 of such title is amended to read as follows:

"Whoever knowingly and willfully holds to involuntary servitude, or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, or attempts to commit

any of the foregoing acts, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

[H. R 3394, 84th Cong, 1st sess.]

A BILL To strengthen the laws relating to convict labor, peonage, slavery, and involuntary servitude

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 1581 of title 18, United States Code, is amended to read as follows:

"(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, or attempts to hold, return, or arrest any person with such intent, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 2. Section 1583 of such title is amended to read as follows:

"SEC. 1583. Whoever holds or kidnaps or carries away any other person, or attempts to hold, kidnap, or carry away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave; or

"Whoever entices, persuades, or induces, or attempts to entice, persuade, or induce, any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he be made a slave or held in involuntary servitude, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 3. Section 1584 of such title is amended to read as follows:

"Whoever knowingly and willfully holds to involuntary servitude, or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, or attempts to commit any of the foregoing acts, shall be fined not more than \$5,000 or imprisoned not more than five years, or both"

[H. R 3420, 84th Cong, 1st sess.]

A BILL To strengthen the laws relating to convict labor, peonage, slavery, and involuntary servitude

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 1581 of title 18, United States Code, is amended to read as follows:

"(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, or attempts to hold, return, or arrest any person with such intent, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 2. Section 1583 of such title is amended to read as follows:

"SEC. 1583. Whoever holds or kidnaps or carries away any other person, or attempts to hold, kidnap, or carry away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave; or

"Whoever entices, persuades, or induces, or attempts to entice, persuade, or induce, any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he be made a slave or held in involuntary servitude, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 3. Section 1584 of such title is amended to read as follows:

"Whoever knowingly and willfully holds to involuntary servitude, or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, or attempts to commit any of the foregoing acts, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

[H. R. 3481, 84th Cong., 1st sess.]

A BILL To strengthen the laws relating to convict labor, peonage, slavery, and involuntary servitude

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 1581 of title 18, United States Code, is amended to read as follows:

"(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, or attempts to hold, return, or arrest any person with such intent, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 2. Section 1583 of such title is amended to read as follows:

"SEC. 1583. Whoever holds or kidnaps or carries away any other person, or attempts to hold, kidnap, or carry away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave; or

"Whoever entices, persuades, or induces, or attempts to entice, persuade, or induce, any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he be made a slave or held in involuntary servitude, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 3. Section 1584 of such title is amended to read as follows:

"Whoever knowingly and willfully holds to involuntary servitude, or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, or attempts to commit any of the foregoing acts, shall be fined not more than \$5,000 or imprisoned not more than five years, or both "

[H. R. 3567, 84th Cong., 1st sess.]

A BILL To strengthen the laws relating to convict labor, peonage, slavery, and involuntary servitude

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 1581 of title 18, United States Code, is amended to read as follows:

"(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, or attempts to hold, return, or arrest any person with such intent, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 2. Section 1583 of such title is amended to read as follows:

"SEC. 1583. Whoever holds or kidnaps or carries away any other person, or attempts to hold, kidnap, or carry away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave; or

"Whoever entices, persuades, or induces, or attempts to entice, persuade, or induce, any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he be made a slave or held in involuntary servitude, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 3. Section 1584 of such title is amended to read as follows:

"Whoever knowingly or willfully holds to involuntary servitude, or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, or attempts to commit any of the foregoing acts, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

[H. R. 3581, 84th Cong., 1st sess.]

A BILL To strengthen the laws relating to convict labor, peonage, slavery, and involuntary servitude

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 1581 of title 18, United States Code, is amended to read as follows:

"(a) Whoever holds or return any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of

peonage, or attempts to hold, return, or arrest any person with such intent, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 2. Section 1583 of such title is amended to read as follows:

"SEC. 1583. Whoever holds or kidnaps or carries away any other person, or attempts to hold, kidnap, or carry away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave, or

"Whoever entices, persuades, or induces, or attempts to entice, persuade, or induce, any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he be made a slave or held in involuntary servitude, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 3. Section 1584 of such title is amended to read as follows:

"Whoever knowingly or willfully holds to involuntary servitude, or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, or attempts to commit any of the foregoing acts, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

[H. R. 5344, 84th Cong., 1st sess.]

A BILL To strengthen the laws relating to convict labor, peonage, slavery, and involuntary servitude

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 1581 of title 18, United States Code, is amended to read as follows:

"(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, or attempts to hold, return, or arrest any person with such intent, shall be fined not more than \$5,000 or imprisoned not more than five years, or both

SEC. 2. Section 1583 of such title is amended to read as follows:

"§ 1583. Enticement into slavery

"Whoever holds or kidnaps or carries away any other person, or attempts to hold, kidnap, or carry away any other person, with the intent that such other person be held in or sold into involuntary servitude, or held as a slave; or

"Whoever entices, persuades, or induces, or attempts to entice, persuade, or induce, any other person to go on board any vessel or other means of transportation or to any other place within or beyond the United States with the intent that he be made a slave or held in involuntary servitude—

"Shall be fined not more than \$5,000 or imprisoned not more than five years, or both"

SEC. 3. Section 1584 of such title is amended to read as follows:

"§ 1584. Sale into involuntary servitude

"Whoever knowingly and willfully holds to involuntary servitude, or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, or attempts to commit any of the foregoing acts, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

[H. R. 5503, 84th Cong., 1st sess.]

A BILL To promote further respect for and observance of civil rights within the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles according to the following table of contents, may be cited as the "Civil Rights Act of 1955"

TABLE OF CONTENTS

Title I	Civil Rights Commission
Title II	Prohibition against poll tax
Title III	Protection from mob violence and lynching.
Title IV	Equality of opportunity in employment.

TITLE I—CIVIL RIGHTS COMMISSION

SEC. 101. (a) There is hereby established a Civil Rights Commission (referred to in this title as the "Commission"), which shall be composed of three members appointed by the President, by and with the advice and consent of the Senate.

(b) The term of office of each member of the Commission shall be three years, except that the terms of the members first taking office shall expire, as designated by the President at the time of appointment, one at the end of one year, one at the end of two years, and one at the end of three years after the date of enactment of this Act, and any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) The commission shall elect a Chairman from among its members.

(d) Each member of the Commission shall be compensated at the rate of \$50 for each day he is engaged in the business of the Commission, and shall be allowed travel expenses as authorized by the Travel Expense Act of 1949.

SEC. 102. The Commission shall conduct a continuing study and investigation of the policies, practices, and enforcement program of the Federal Government with respect to civil rights, and of the progress made throughout the Nation in promoting respect for and observance of civil rights. Each year the Commission shall report its findings and recommendations to the Congress.

TITLE II—PROHIBITION AGAINST POLL TAX

SEC. 201. The requirement that a poll tax be paid as a prerequisite to voting or registering to vote, in any primary or other election, for the selection of a President, a Vice President, electors for President and Vice President, or of a United States Senator or a Representative in the Congress of the United States, is not and shall not be deemed a qualification of voters or electors to vote or to register to vote at primaries or other elections for any of such officers.

SEC. 202. It shall be unlawful for any State, municipality, or other government or governmental subdivision to levy a poll tax or any other tax on the right or privilege of voting, in any primary or other election, for the selection of any of the officers referred to in section 201; or to deny any person the right or privilege of voting or registering to vote in any such primary or other election on the ground that such person has not paid a poll tax.

SEC. 203. It shall be unlawful for any State, municipality, or other government or governmental subdivision, or for any person, whether or not acting under cover of the law of any State or subdivision thereof, to impose upon any person a requirement that a poll tax be paid as a prerequisite to the right or privilege of voting or registering to vote, in any primary or other election, for the selection of persons for national office.

TITLE III—PROTECTION FROM MOB VIOLENCE AND LYNCHING

DEFINITIONS

SEC. 301. Any assemblage of two or more persons which shall, without authority of law, (a) commit or attempt to commit violence upon the person of any citizen or citizens of the United States because of his or their race, creed, color, national origin, ancestry, language, or religion, or (b) exercise or attempt to exercise, by physical violence against the person, any power or correction or punishment over any citizen or citizens of the United States or other person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any criminal offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, or of imposing a punishment not authorized by law, shall constitute a lynch mob within the meaning of this title. Any such violence by a lynch mob shall constitute lynching within the meaning of this title.

PUNISHMENT FOR LYNCHING

SEC. 302 Any person whether or not a member of a lynch mob who willfully instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, and any member of a lynch mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding \$10,000 or by imprisonment not exceeding twenty years, or by both such fine and imprisonment.

PUNISHMENT FOR FAILURE TO PREVENT LYNCHING

SEC 303. Whenever a lynching shall occur, any officer or employee of a State or any governmental subdivision thereof, who shall have been charged with the duty or shall have possessed the authority as such officer or employee to prevent the lynching, but shall have neglected, refused, or willfully failed to make all diligent efforts to prevent the lynching, and any officer or employee of a State or governmental subdivision thereof who shall have had custody of the person or persons lynched and shall have neglected, refused, or willfully failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof who, in violation of his duty as such officer or employee, shall neglect, refuse, or willfully fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment.

DUTY OF ATTORNEY GENERAL OF THE UNITED STATES

SEC. 304 Whenever a lynching of any person or persons shall occur, and information on oath is submitted to the Attorney General of the United States that any officer or employee of a State or any governmental subdivision thereof who shall have been charged with the duty or shall have possessed the authority as such officer or employee to protect such person or persons from lynching, or who shall have had custody of the person or persons lynched, has neglected, refused, or willfully failed to make all diligent efforts to protect such person or persons from lynching or that any officer or employee of a State or governmental subdivision thereof, in violation of his duty as such officer or employee, has neglected, refused, or willfully failed to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob, the Attorney General of the United States shall cause an investigation to be made to determine whether there has been any violation of this title.

KIDNAPING PENALTIES MADE APPLICABLE

SEC. 305 The crime defined in and punishable under section 1201 of title 18 of the United States Code shall include the transportation in interstate or foreign commerce of any person unlawfully abducted and held for purposes of punishment, correction, or intimidation.

TITLE IV—EQUALITY OF OPPORTUNITY IN EMPLOYMENT

FINDINGS AND DECLARATION OF POLICY

SEC 401 (a) The Congress hereby finds that despite the continuing progress of our Nation, the practice of discriminating in employment against properly qualified persons because of their race, religion, color, national origin, or ancestry is contrary to the American principles of liberty and of equality of opportunity, is incompatible with the Constitution, forces large segments of our population into substandard conditions of living, foments industrial strife and domestic unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects the domestic and foreign commerce of the United States.

(b) The right to employment without discrimination because of race, religion, color, national origin, or ancestry is hereby recognized as and declared to be a civil right of all the people of the United States

(c) The Congress further declares that the succeeding provisions of this title are necessary for the following purposes:

(1) To remove obstructions to the free flow of commerce among the States and with foreign nations.

(2) To insure the more complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States.

(3) To advance toward fulfillment of the international treaty obligations imposed by the Charter of the United Nations upon the United States as a signatory thereof to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion"

DEFINITIONS

SEC. 402 As used in this title—

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or any organized group of persons and any agency or instrumentality of the United States, including the District of Columbia, or of any Territory or possession thereof

(b) The term "employer" means a person engaged in commerce or in operations affecting commerce having in his employ fifty or more individuals; any agency or instrumentality of the United States, including the District of Columbia, or of any Territory or possession thereof; and any person acting in the interest of an employer, directly or indirectly, but shall not include any State or municipality or political subdivision thereof, or any religious, charitable, fraternal, social, educational, or sectarian corporation or association, if no part of the net earnings inures to the benefit of any private shareholder or individual, other than a labor organization.

(c) The term "employment agency" means any person undertaking with or without compensation to procure employees or opportunities to work for an employer, but shall not include any State or municipality or political subdivision thereof, or any religious, charitable, fraternal, social, educational, or sectarian corporation or association, if no part of the net earnings inures to the benefit of any private shareholder or individual.

(d) The term "labor organization" means any organization, having fifty or more members employed by any employer or employers, which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, terms or conditions of employment, or for other mutual aid or protection in connection with employment.

(e) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between any States, Territory, possession, or the District of Columbia and any place outside thereof, or within the District of Columbia or any Territory or possession; or between points in the same State, the District of Columbia or any Territory or possession but through any point outside thereof.

(f) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce.

(g) The term "Commission" means the Equality of Opportunity in Employment Commission, created by section 405.

EXEMPTION

SEC. 403. This title shall not apply to any employer with respect to the employment of aliens outside the continental United States, its Territories and possessions.

UNLAWFUL EMPLOYMENT PRACTICES DEFINED

SEC. 404 (a) It shall be an unlawful employment practice for an employer—

(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, religion, color, national origin, or ancestry.

(2) to utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school or center, labor organization, or any other source which discriminates against such individuals because of their race, religion, color, national origin, or ancestry.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to properly classify or refer for employment, or otherwise to dis-

criminate against any individual because of his race, color, religion, national origin or ancestry.

(c) It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual or any employer because of the race, color, religion, national origin or ancestry of any individual;

(2) to cause or attempt to force an employer to discriminate against an individual in violation of this section

(d) It shall be an unlawful employment practice for any employer, employment agency or labor organization to discharge, expel, or otherwise discriminate against any person, because he has opposed any unlawful employment practice or has filed a charge, testified, participated, or assisted in any proceeding under this title

THE EQUALITY OF OPPORTUNITY IN EMPLOYMENT COMMISSION

SEC 405. (a) There is hereby created a Commission to be known as the Equality of Opportunity in Employment Commission, which shall be composed of seven members who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years, but their successors shall be appointed for terms of seven years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noted

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the cases it has heard; the decisions it has rendered, the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) Each member of the Commission shall receive a salary of \$15,000 a year

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents as it may designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States. Any such agent, other than a member of the Commission, designated to conduct a proceeding or a hearing shall be a resident of the judicial circuit, as defined in title 28, United States Code, chapter 3, section 41, within which the alleged unlawful employment practice occurred.

(g) The Commission shall have power—

(1) to appoint, in accordance with the Civil Service Act, rules, and regulations, such officers, agents, and employees, as it deems necessary to assist it in the performance of its functions, and to fix their compensation in accordance with the Classification Act of 1949, as amended; attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court;

(2) to cooperate with and utilize regional, State, local, and other agencies;

(3) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or any order issued thereunder;

(4) upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this title, to assist in such effectuation by conciliation or other remedial action;

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to interested governmental and nongovernmental agencies; and

(6) to create such local, State, or regional advisory and conciliation

councils as in its judgment will aid in effectuating the purpose of this title, and the Commission may empower them to study the problem or specific instances of discrimination in employment because of race, religion, color, national origin, or ancestry and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population, and make recommendations to the Commission for the development of policies and procedures in general and in specific instances. Such advisory and conciliation councils shall be composed of representative citizens resident of the area for which they are appointed, who shall serve without compensation, but shall receive transportation and per diem in lieu of subsistence as authorized by section 5 of the Act of August 2, 1946 (5 U. S. C. 73b-2), for persons serving without compensation; and the Commission may make provision for technical and clerical assistance to such councils and for the expenses of such assistance, the Commission may, to the extent it deems it necessary, provide by regulation for exemption of such persons from the operation of title 18, United States Code, sections 231, 233, 284, 434, and 1914, and section 190 of the Revised Statutes (5 U. S. C. 99): such regulation may be issued without prior notice and hearing.

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC 406 (a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 404. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise: *Provided*, That an agreement between or among an employer or employers and a labor organization or labor organizations pertaining to discrimination in employment shall be enforceable in accordance with applicable law, but nothing contained therein shall be construed or permitted to foreclose the jurisdiction over any practice or occurrence granted the Commission by this title. *Provided further*, That the Commission is empowered by agreement with any agency of any State, Territory, possession, or local government, to cede, upon such terms and conditions as may be agreed, to such agency jurisdiction over any cases or class of cases, if such agency, in the judgment of the Commission, has effective power to eliminate and prohibit discrimination in employment in such cases.

(b) Whenever a sworn written charge has been filed by or on behalf of any person claiming to be aggrieved, or a written charge has been filed by a member of the Commission, that any person subject to this title has engaged in any unlawful employment practice, the Commission shall investigate such charge and if it shall determine after such preliminary investigation that probable cause exists for crediting such written charge, it shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion.

(c) If the Commission fails to effect the elimination of such unlawful practice and to obtain voluntary compliance with this title or in advance thereof if circumstances warrant, the Commission shall have power to issue and cause to be served upon any person charged with the commission of an unlawful employment practice (hereinafter called the "respondent") a complaint stating the charges in that respect, together with a notice of hearing before the Commission, or a member thereof, or before a designated agent, at a place therein fixed, not less than ten days after the service of such complaint. No complaint shall issue based upon any unlawful employment practice occurring more than one year prior to the filing of the charge with the Commission and the service of a copy thereof upon the respondent, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the Armed Forces, in which event the period of military service shall not be included in computing the one-year period.

(d) The respondent shall have the right to file a verified answer to such complaint and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

(e) The Commission or the member or designated agent conducting such hearing shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend its answer.

(f) All testimony shall be taken under oath.

(g) The member of the Commission who filed a charge shall not participate in a hearing thereon or in a trial thereof.

(h) At the conclusion of a hearing before a member or designated agent of the Commission, such member or agent shall transfer the entire record thereof to the Commission, together with his recommended decision and copies thereof shall be served upon the parties. The Commission, or a panel of three qualified members designated by it to sit and act as the Commission in such case, shall afford the parties an opportunity to be heard on such record at a time and place to be specified upon reasonable notice. In its discretion, the Commission upon notice may take further testimony.

(i) With the approval of the member or designated agent conducting the hearing, a case may be ended at any time prior to the transfer of the record thereof to the Commission by agreement between the parties for the elimination of the alleged unlawful employment practice on mutually satisfactory terms.

(j) If, upon the preponderance of the evidence, including all the testimony taken, the Commission shall find that the respondent engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person and other parties an order requiring such person to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the discrimination), as will effectuate the policies of this title. *Provided*, That interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which it has complied with the order. If the Commission shall find that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person and other parties an order dismissing the complaint.

(k) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the case may at any time be ended by agreement between the parties, approved by the Commission, for the elimination of the alleged unlawful employment practice on mutually satisfactory terms, and the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(l) The proceedings held pursuant to this section shall be conducted in conformity with the standards and limitations of sections 5, 6, 7, 8, and 11 of the Administrative Procedure Act.

JUDICIAL REVIEW

Sec 407 (a) The Commission shall have power to petition any United States court of appeals or, if the court of appeals to which application might be made is in vacation, any district court within any circuit or district, respectively, wherein the unlawful employment practice in question occurred, or wherein the respondent resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(b) Upon such filing the court shall cause notice thereof to be served upon such respondent and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(c) No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(d) The findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive.

(e) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or agent, the court may order such additional evidence to be taken before the Commission, its member, or agent and to be made a part of the transcript.

(f) The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order.

(g) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals, if application was made to the district court or other United States court as hereinabove provided, and by the Supreme Court of the United States as provided in title 28, United States Code, section 1254.

(h) Any person aggrieved by a final order of the Commission may obtain a review of such order in any United States court of appeals of the judicial circuit wherein the unlawful employment practice in question was alleged to have been engaged in or wherein such person resides or transacts business or the Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commission, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsections (a), (b), (c), (d), (e), and (f), and shall have the same exclusive jurisdiction to grant to the Commission such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(i) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(j) The commencement of proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

(k) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order of the Commission, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (U. S. C., title 29, secs. 101-115).

(l) Petitions filed under this title shall be heard expeditiously.

INVESTIGATORY POWERS

SEC 408. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this title, the Commission, or any member thereof, shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, or agent conducting such investigation, proceeding, or hearing.

(b) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States, including the District of Columbia, or any Territory or possession thereof, at any designated place of hearing.

(c) In case of contumacy or refusal to obey a subpoena issued to any person under this title, any district court within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to

issue to such person an order requiring him to appear before the Commission, its member, or agent, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing.

(d) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

(e) Any member of the Commission, or any agent designated by the Commission for such purposes, may administer oaths, examine witnesses, and receive evidence.

(f) Complaints, orders, and other process and papers of the Commission, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Commission, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(g) All process of any court to which application may be made under this title may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

(h) The several departments and agencies of the Government, when directed by the President, shall furnish the Commission, upon its request, all records, papers, and information in their possession relating to any matter before the Commission.

ENFORCEMENT OF ORDERS DIRECTED TO GOVERNMENT AGENCIES AND CONTRACTORS

SEC. 409. (a) The President is authorized to take such action as may be necessary (1) to conform fair employment practices within the Federal establishment with the policies of this title, and (2) to provide that any Federal employee aggrieved by any employment practice of his employer must exhaust the administrative remedies prescribed by Executive order or regulations governing fair employment practices within the Federal establishment prior to seeking relief under the provisions of this title. The provision of section 407 shall not apply with respect to an order of the Commission under section 406 directed to any agency or instrumentality of the United States, or of any Territory or possession thereof, or of the District of Columbia, or any officer or employee thereof. The Commission may request the President to take such action as he deems appropriate to obtain compliance with such orders.

(b) The President shall have power to provide for the establishment of rules and regulations to prevent the committing or continuing of any unlawful employment practice as herein defined by any person who makes a contract with any agency or instrumentality of the United States (excluding any State or political subdivision thereof) or of any Territory or possession of the United States, which contract requires the employment of at least fifty individuals. Such rules and regulations shall be enforced by the Commission according to the procedure hereinbefore provided.

NOTICES TO BE POSTED

SEC. 410. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted, a notice to be prepared or approved by the Commission setting forth excerpts of this title and such other relevant information which the Commission deems appropriate to effectuate the purposes of this title.

(b) A willful violation of this section shall be punishable by a fine of not less than \$100 or more than \$500 for each separate offense.

VETERANS' PREFERENCE

SEC 411 Nothing contained in this title shall be construed to repeal or modify any Federal, State, Territorial, or local law creating special rights or preference for veterans.

RULES AND REGULATIONS

SEC. 412. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of this title. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act

(b) If at any time after the issuance of any such regulation or any amendment or rescission thereof, there is passed a concurrent resolution of the two Houses of the Congress stating in substance that the Congress disapproves such regulation, amendment, or rescission, such disapproved regulation, amendment, or rescission shall not be effective after the date of the passage of such concurrent resolution.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC 413. The provisions of section 11, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties.

EFFECTIVE DATE

SEC 414 This title shall become effective sixty days after enactment, except that subsections 406 (c) to (1), inclusive, and section 407 shall become effective six months after enactment

STATEMENT OF HON. EMANUEL CELLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK, CHAIRMAN, JUDICIARY COMMITTEE

Mr. CELLER. Mr. Chairman, of course, those commendations are music to my ears, but oftentimes we relish the praise that we do not deserve. But I will say to the chairman that while I do not deserve all these praises, being a good businessman, I will settle for half.

I appreciate very much the opportunity to appear before you today to testify in behalf of H. R. 258, H. R. 259, H. R. 627, and H. R. 628, bills which I offered. I hasten to assure you that I do not intend to belabor you with proof of obvious facts.

Let me state three propositions which establish the necessity of civil rights legislation. First, today, there is widespread violation of the civil rights—the human rights—of fellow American citizens. Second, it is clear to me as it was to President Truman's Committee on Civil Rights that "the National Government of the United States must take the lead in safeguarding the civil rights of all Americans." Third, it is clear to me that Congress has been somewhat derelict in its duty to provide wise legislation to safeguard the civil rights of our citizens. I recognize that some will disagree with one or more of these basic propositions. But, as I said, I have no intention of reviewing the overwhelming, and to me conclusive, evidence in support of these propositions which has been presented to the Judiciary Committee on many previous occasions. I can only respectfully disagree with any who as yet remain unconvinced of the soundness of these basic propositions.

As a member of the legislative branch of the Government, I believe that we have abdicated our responsibility completely. Furthermore,

under the present administration, the executive branch has shown no great zeal in this area. It has remained to the judiciary to carry the heavy load of this great national responsibility with any degree of honor. I am happy to applaud the courage and wisdom of our judges.

Yes; we have had many pontifical declarations from on high but unfortunately there has been no active or vigorous followup of those pontifical declarations and we have had no action and that, in part, I think, is due to the failure of leadership. I am not going to stand idly by and just accept lip service in that regard. It is most inappropriate that the judiciary should be forced to carry this burden alone. It is very difficult for the courts to fashion a well-coordinated, overall policy for the effective protection of constitutionally guaranteed civil rights. The courts can only proceed by a piecemeal, case-by-case approach. It is regrettable that the courts are forced to this difficult position by the failure of Congress to provide a coordinated legislative policy.

It is my belief that the bills which I have introduced would provide a more coordinated legislative civil-rights policy and provide more effective protection of recognized civil rights. At the same time, analysis of these bills will disclose that they make no revolutionary innovations in the law. H. R. 627, identified as the "Civil Rights Act of 1955," calls for (1) the creation of a Joint Congressional Committee on Civil Rights, and (2) for a Federal Commission on Civil Rights in the executive branch of the Government to investigate and report annually on the status of civil rights protection in the United States. Sections 111 and 112, pages 7 and 8, of this bill provide for reorganization of the Department of Justice to make enforcement of civil-rights legislation more effective. I consider this one of the most pressing current needs; that is, the effective enforcement of recognized civil rights.

H. R. 627 would provide an additional Assistant Attorney General to head a more potent Civil Rights Division in the Department of Justice and authorize additional FBI personnel to effectively investigate alleged violations of civil rights.

Title II of this bill, starting on page 10, would close some loopholes in existing civil-rights statutes. At present, title 18, United States Code, section 241, punishes conspiracies to encroach on federally secured rights of citizens. But it does not punish such encroachment when done by individuals. On page 11, subsection (b) is added by my bill to punish such individual encroachment. Also, this statute at present does not protect the rights of aliens. My bill, on page 10, amends present law to include all inhabitants of the United States, thus including aliens in its protection. This amendment would make section 241 consistent with section 242 on this score. At present, section 242 of title 18, United States Code, punishes officials who, under color of law, deprive persons of rights, privileges, and immunities secured by Federal law. The only proposed change in this section is to provide a more severe penalty when its violation results in killing or maiming of the victim. This increased penalty provision is also proposed for section 241. In general, the present law provides a penalty consistent with a misdemeanor. My bill would make the violation a felony when there is maiming or a killing.

On page 13 of H. R. 627, a new section is added to these civil-rights statutes. The purpose of this new section is to clarify rather than

make any great change in existing law. But this clarification would make effective enforcement much easier. I am sure you gentlemen are aware of the case of *Screws v. United States*, reported in 325 U. S. 91 (1945) in which a county sheriff, a policeman, and a special deputy beat to death a Negro youth. A jury found the officers guilty of violating present section 242. The Supreme Court reversed the conviction on the grounds, among others, that the instructions to the jury did not correctly state the requirements of willful encroachment on a federally secured right. In addition, the Court indicated that section 242 raised serious problems of vagueness and indefiniteness. The Court said it is not always clear what rights, privileges, and immunities are federally secured. The new section in my bill, added on page 13 of H. R. 627, gives legislative specification of some rights which have already been judicially determined to be federally secured. This remedies, in part, the problem of vagueness and indefiniteness attending prosecution under sections 241 and 242.

And I suggest, Mr. Chairman, that there might be included in these hearings a report prepared and submitted by former Attorney General Clark, entitled "Statement and Analysis by the Attorney General Concerning the Proposed Civil Rights Act of 1949." That report appears on page 80 and the following pages of the hearings before Subcommittee No. 3 of the Committee on the Judiciary of the House of Representatives, 81st Congress, during its 1st and 2d sessions.

Mr. LANE. What pages, again?

Mr. CELLER. On pages 80 and following.

Mr. LANE. You would like to make that a part of the record?

Mr. CELLER. I should like to make that a part of the record. It appears at pages 80 through 102, and is a very comprehensive report, and was submitted by former Attorney General Clark to a subcommittee of our Judiciary Committee and that subcommittee was presided over by the late lamented William Byrne of New York.

Mr. LANE. Without objection, it will be made a part of the record. (The report referred to follows:)

STATEMENT AND ANALYSIS BY THE ATTORNEY GENERAL CONCERNING THE PROPOSED CIVIL RIGHTS ACT OF 1949 IN HEARINGS BEFORE COMMITTEE ON JUDICIARY ON ANTI-LYNCHING AND PROTECTION OF CIVIL RIGHTS BILLS, 81ST CONGRESS, 1ST AND 2D SESSIONS (1949-1950)

GENERAL BACKGROUND

The fourteenth amendment to the Constitution, adopted in 1868, prohibits the States from making or enforcing laws "which shall abridge the privileges or immunities of citizens of the United States," from depriving "any person of life, liberty, or property, without due process of law," and from denying to any person "the equal protection of the laws."

The fifteenth amendment, which was added to the Constitution in 1870, provides that,

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

To avoid any doubts on the score, the amendments specifically authorize the Congress to provide for their enforcement "by appropriate legislation." But it is not questioned that the amendments are self-executing in that they render void and ineffectual any State action in conflict with them (*Cantwell v. Connecticut*, 310 U. S. 296 (1940); *ex parte Yarbrough*, 110 U. S. 651 (1884)).

The thirteenth amendment, adopted in 1865, by its terms abolished slavery and involuntary servitude. But Congress was, as in the later amendments, em-

powered to provide for enforcement by appropriate legislation. It was never doubted that slavery was thereby destroyed, yet the Congress was expressly given power to implement the amendment (*Clyatt v United States*, 197 U. S. 207 (1905)).

The framers of these amendments, in their wisdom, sought to have enacted not unyielding ordinances limited in their terms to specific situations and cases, but an additional part of a plan of government, declaring fundamental principles as in the case of the original charter. The Constitution "by apt words of designation or general description, marks the outlines of the powers granted to the National Legislature; but it does not undertake, with the precision of detail of a code of laws, to enumerate the subdivisions of those powers, or to specify all the means by which they may be carried into execution" (*Legal Tender Cases*, 110 U. S. 439 (1884)). Thus the amendments declare the fundamental principles, which are effective and self-executing insofar as they may apply to a particular matter, but the Congress is empowered to extend their principles to meet the many situations and different circumstances which arise with the growth and advancement of our complex civilization. In the words of Mr Justice Bradley, from the opinion in the *Civil Rights Cases* (109 U. S. 3, 20 (1883)):

"This Amendment (the thirteenth), as well as the fourteenth, is undoubtedly self-executing without any ancillary legislation, so far as its terms are applicable to any existing state of circumstances. By its own unaided force and effect it abolished slavery, and established universal freedom. Still, legislation may be necessary and proper to meet all the various cases and circumstances to be affected by it, and to prescribe proper modes of redress for its violation in letter or spirit."

Following the Civil War a number of civil-rights statutes were enacted, but over the years, through decisions of the Supreme Court and Congressional action in 1894 and 1909, the laws implementing the three amendments were reduced in number and scope to the following:

Section 241, title 18, United States Code, conspiracy against rights of citizens, making a conspiracy to injure a citizen in the exercise of his Federal rights a felony;

Section 242, title 18, deprivation of rights under color of law, making willful action, under color of law, to deprive an inhabitant of his Federal rights a misdemeanor;

Section 243, title 18, exclusion of jurors on account of race or color, forbidding disqualification for jury service on account of race or color, and making such action by officers charged with selecting jurors a crime punishable by fine.

Section 594, title 18, intimidation of voters, enacted as part of the Hatch Act, making it a misdemeanor to intimidate any voter at a Federal election (but without clear reference to primary elections, as is discussed later).

Section 43, title 8, civil action for deprivation of rights, and section 47, title 8, conspiracy to interfere with civil rights, provide civil causes of actions for persons injured by deprivations and interferences generally similar to the wrongs punishable under the criminal provisions of title 18, sections 241 and 242. Sections 31, 41, and 42, title 8, declare the existence of equality without distinction as to race or color, in matters of voting, owning property, ability to contract, sue, give evidence, and the like; and section 56 of the same title abolishes peonage.

Section 1581, title 18, peonage, obstructing enforcement, makes the holding or returning of a person to a condition of peonage a crime, and section 1583, enticement into slavery, and section 1584, sale into involuntary servitude, make criminal the kidnapping, carrying away, or holding of a person to a condition of slavery or involuntary servitude.

(The texts of the foregoing statutes are set forth in appendix A.)

The existing civil-rights statutes fall far short of providing adequate implementation of the amendments protecting life, liberty, and property.

America has a great heritage of freedom, and few nations have come closer to achieving true liberty and democracy for its people. But the goal has not been reached. Much remains to be done, which can be done. It is clear that the present civil-rights statutes do not represent the full extent of the congressional power. It is equally clear that there is a real need for a broadening of the statutes, not necessarily to the fullest extent legally possible, but at least to overcome the shortcomings of the existing laws.

By way of example, the courts have had difficulties in dealing, among others, with two of the important statutes, sections 241 and 242, title 18, U. S. Code, and have on occasion practically invited congressional clarification. In *Screws v.*

United States (325 U. S. 91 (1945)), where four separate opinions were written by the Justices of the Supreme Court in construing 18 U. S. C. 242, Mr. Justice Douglas in the prevailing opinion indicated that the limitations imposed on the use of section 242 were inherent in the statute, and "If Congress desires to give the act wider scope, it may find ways of doing so." Further, if the meaning given to the statute by the Court "states a rule undesirable in the consequences, Congress can change it", 325 U. S. 91, 105, 112-113. Similarly, in *Baldwin v. Frank*, 120 U. S. 678 (1887), the Court, in dealing with 18 U. S. 241, suggested that Congress might cure by appropriate amendment what the Court found to be the limited application of the statute to citizens only, rather than to all inhabitants (120 U. S. 678, 692).

In his message on the State of the Union in 1946, President Truman said: "While the Constitution withholds from the Federal Government the major task of preserving the peace in the several States, I am not convinced that present legislation reaches the limit of Federal power to protect the civil rights of its citizens."

The President then informed the Congress of the creation of a special committee on civil rights to frame recommendations for additional legislation.

This committee, known as the President's Committee on Civil Rights, consisted of 15 distinguished Americans from all ranks of life. It was directed by the President to "determine whether and in what respect current law-enforcement measures and the authority and means possessed by Federal, State, and local governments may be strengthened and improved to safeguard the civil rights of the people." (Executive Order No. 9808, December 5, 1946)

Over a year later, after extensive work and research, the committee rendered its report to the President, entitled "To Secure These Rights" (hereinafter referred to as Report). At the outset it was noted that it will not be denied that the United States possesses "a position of leadership in enlarging the range of human liberties and rights, in recognizing and stating the ideals of freedom and equality, and in steadily and loyally working to make those ideals a reality." Great and permanent progress was observed. Serious shortcomings were found and described. Constructive remedies were proposed.

The President, supported by the Department of Justice, which is continually engaged in the enforcement of the civil rights statutes, after careful study, concluded that the report of the President's committee was essentially sound and that its principal recommendations should be carried out.

In his message on civil rights, delivered to the Congress on February 2, 1948 (H. Doc. 516, 94 Congressional Record, February 2, 1948, at pp. 960-962), the President stated:

"One year ago I appointed a committee of 15 distinguished Americans, and asked them to appraise the condition of our civil rights and to recommend appropriate action by Federal, State, and local governments.

"The committee's appraisal has resulted in a frank and revealing report. This report emphasizes that our basic human freedoms are better cared for and more vigilantly defended than ever before, but it also makes clear that there is a serious gap between our ideals and some of our practices. This gap must be closed.

* * * * *

"The Federal Government has a clear duty to see that constitutional guaranties of individual liberties and of equal protection under the laws are not denied or abridged anywhere in our Union. That duty is shared by all three branches of the Government, but it can be fulfilled only if the Congress enacts modern, comprehensive civil-rights laws, adequate to the needs of the day, and demonstrating our continuing faith in the free way of life."

The President then recommended that the Congress enact legislation directed toward specific objects, including:

Establishing a permanent commission on civil rights, a joint congressional committee on civil rights, and a civil-rights division in the Department of Justice

Strengthening existing civil-rights statutes.

Protecting more adequately the right to vote.

Prohibiting discrimination in interstate transportation facilities.

These points are met in H. R. 4682. I strongly urge the enactment of the bill, and I join with the President's Committee in its view that "national leadership in this field is entirely consistent with our American constitutional traditions" (report, p. 104)

ANALYSIS OF PROPOSED CIVIL RIGHTS ACT OF 1949

Section 1 provides for the dividing of the act into titles and parts according to a table of contents, and for a short title, "Civil Rights Act of 1949."

Section 2 contains legislative findings and declarations.

Section 3 is a provision for separability.

Section 4 authorizes appropriations.

In my view the findings are the summation of years of experience, and reflect hard, physical facts which the President's Committee on Civil Rights, among others, has reported on, and which we at the Department of Justice meet daily. The purposes to be accomplished by the bill are purposes which this Nation has sought to achieve since its founding. We have always had the ideal and so long as we seek to realize it we are a healthy, vigorous Nation. Great gains have been made but greater gains will be made if this bill is enacted. The bill does not purport to solve every problem and cure every evil; it does, however, represent a great forward step toward the goal of full civil liberties for all.

TITLE I—PROVISIONS TO STRENGTHEN THE FEDERAL GOVERNMENT MACHINERY FOR THE PROTECTION OF CIVIL RIGHTS

Part 1—A Civil Rights Commission

Section 101 creates a five-member commission on civil rights in the executive branch of the Government, and makes the necessary provision for the appointment of the members, the officers, vacancies, quorum, and compensation.

Section 102 provides for the duties and functions of the commission, including the making of an annual report to the President. (No hearing or subpoena powers are conferred.) To state it simply, the job of the commission would be to gather information, appraise policies and activities, and make recommendations.

Section 103 provides for the use of advisory committees, consultation with public and private agencies, and Federal agency cooperation. A paid staff is authorized, as well as the use of voluntary services.

At the present time the only unit in the executive branch of the Government which is specifically dedicated to work pertaining to civil rights of the people generally is the Civil Rights Section of the Department of Justice. (The work of the section is more fully discussed below, in connection with the proposed Civil Rights Division.) This section is a unit of the Criminal Division. Neither the section nor the Department has adequate facilities for studies or coordinating activities in civil rights matters. There is no agency which follows developments in the Federal or State spheres in civil rights, which can report authoritatively to the President or the Congress, or to the people, on the state of the constitutional liberties and safeguards, which can undertake research or survey projects for legislative purposes. In the fields of securities, trade and commerce, interstate carriers, labor, foreign affairs, defense, finance, and practically every other important phase of modern human endeavor, the Federal Government possesses highly qualified, specialized administrative and research agencies responsible for keeping the Government and the Nation abreast of all movements, trends, and developments. At any time that a new situation arises which calls for action, an expert opinion and thorough appraisal is available. But in the supremely important field of constitutional rights, the Government has no expert body or specialized agency for guidance and leadership.

It is not enough to protect rights now fully recognized and freely enjoyed if we are to progress toward enlarging the range of our liberties and privileges. We must be continually vigilant, prepared for every new form of attack upon the ideals and practices of our free society. We must be in a position to recognize the existence of the disease when it strikes, to diagnose it, to prepare a remedy and to apply such remedy—without giving it time and opportunity to spread and weaken our national fiber.

The White House and the Department of Justice receive a volume of mail from private citizens, including students, teachers, and universities, and, in some instances, from State officials, requesting information and guidance in constitutional problems—frequently in connection with civil liberties. Such mail is usually of necessity channeled to the Civil Rights Section, but it is far too overburdened to cope with the requests. Because of limited personnel and facilities, it must restrict its activities to the enforcement of the criminal civil-rights statutes. It can only use expedients such as referring communicants to privately written and published books (which the Department does not and cannot officially approve), and to private organizations and universities which study and report

on the problems. (The NAACP, American Civil Liberties Union, Fisk University, and others have done notable work in the field. Much of the general information which the Department presently possesses has been furnished by such organization.)

As stated by the President's committee:

"In a democratic society, the systematic, critical review of social needs and public policy is a fundamental necessity. This is especially true of a field like civil rights, where the problems are enduring, and range widely. From our own effort, we have learned that a temporary, sporadic approach can never finally solve these problems.

"Nowhere in the Federal Government is there an agency charged with the continuous appraisal of the status of civil rights, and the efficiency of the machinery with which we hope to improve that status. There are huge gaps in the available information about the field. A permanent commission could perform an invaluable function by collecting data. It could also carry on technical research to improve the fact-gathering methods now in use. Ultimately, this would make possible a periodic audit of the extent to which our civil rights are secure. If it did this and served as a clearinghouse and focus of coordination for the many private, State, and local agencies working in the civil-rights field, it would be invaluable to them and to the Federal Government." (Report, p. 154)

The President, in his civil-rights message of February 2, 1948, made the following specific proposal to meet the need:

"As the first step, we must strengthen the organization of the Federal Government in order to enforce civil-rights legislation more adequately and to watch over the state of our traditional liberties.

"I recommend that the Congress establish a permanent Commission on Civil Rights reporting to the President. The Commission should continuously review our civil-rights policies and practices, study specific problems, and make recommendations to the President at frequent intervals. It should work with other agencies of the Federal Government, with State and local governments, and with private organizations."

The commission on civil rights proposed by this bill would have, in substance, the following functions and duties: It would act as a fact-finding agency concerned with the state of our civil rights, the practices of governments and organizations affecting civil rights, and with specific cases and situations involving deprivations of the rights of any person, group of persons, or section of the population. It would act as a research agency investigating general civil-rights problems to determine their causes and to recommend cures, either by legislation or by other means under existing laws. It would act as an educating and informational agency to keep before the people and their governments the importance of preserving and extending civil rights, not only for the concrete gains such actions would result in, but to bring about a greater awareness of the obligations of this Nation as a member of the United Nations. It would act for the Federal Government in working for and cooperating with the States and local governments in the solution of civil-rights problems, offering advice and assistance where desired or needed. In brief, the commission would represent the Government and the people, as well as provide leadership, in a continuing, vital phase of American life and society.

The establishment of an advisory commission or board to advise and assist the President is, of course, not an unusual action. With the growth of the Nation and the increase in the complexities of life and civilization, it has become increasingly necessary to make available expert agencies to handle the highly technical and involved problems naturally resulting. In the nineteenth century the process of building administrative machinery to meet the demands of an emerging industrial society began; the process was rapidly accelerated in the present century with the development of new avenues of enterprise in communication, commerce, finance, and general welfare. The administrative agencies, in order to carry out and enforce the Congressional policies, early found it necessary to develop their facilities for research and fact finding. These were used not only in the application of the specific laws within their jurisdiction, but in planning new programs to meet new problems as they arose. The stories of radio, television, air travel, securities and stock exchanges, and others, are too well known to need repeating here.

Advisory commissions and boards not charged with the administration of a regulatory statute have also been created, serving the President, the Congress, and the Nation in the formulation of policies and programs to be proposed to the Congress. Thus, the National Security Resources Board (61 Stat. 499;

50 U. S. C 404 (1947 Supp.)) was created in 1947 "to advise the President concerning the coordination of military, industrial, and civilian mobilization * * *." Also in 1947 the Commission on Organization of the Executive Branch was created (61 Stat. 246; 5 U. S. C 138 (a) et seq. (1947 Supp.)) to study and report on the operations and organizations of the several agencies, departments, and bureaus of the executive branch.

By the Employment Act of 1946 (60 Stat 23; 15 U. S. C. 1021 et seq.), the Congress established a Council of Economic Advisers in the Executive Office of the President charged with duties and functions to gather information concerning economic developments and trends, to appraise relevant programs and activities of the Government, "to develop and recommend * * * national economic policies to foster and promote free competitive enterprise * * *," and to make and furnish studies, reports, and recommendations (15 U. S. C 1023).

The powers given to the council are in many respects similar to those which would be given to the Civil Rights Commission by this bill, and the purposes and methods of the two groups for the attainment of their respective objectives would also be quite similar. Congress in the field of employment and economic stability of the Nation recognized the need for a continuing executive agency to supervise and study developments, and the need in the field of constitutional civil rights should also be as clearly and decisively acknowledged and met. There is more than adequate precedent for the creation of a Civil Rights Commission as proposed in this bill, and there is more than an abundance of need for such a commission.

Part 2—Civil Rights Division, Department of Justice

Section 111 calls for the appointment of an additional Assistant Attorney General to be in charge, under the direction of the Attorney General, of a Civil Rights Division of the Department of Justice.

Section 112 makes provision for increasing, to the extent necessary, the personnel of the Federal Bureau of Investigation to carry out the duties of the Bureau in respect of investigation of civil-rights cases; and for the Bureau to include special training of its agents for the investigation of civil-rights cases.

As I have pointed out, the Civil Rights Section is but one small unit of the Criminal Division of the Department. It has averaged during the 10 years of its existence (having been created in February 1939 by Attorney General, now Mr Justice, Frank Murphy) from six to eight attorneys who are responsible for supervising the enforcement of the Federal civil-rights laws throughout the Nation. The necessary investigative work is done by the Federal Bureau of Investigation, pursuant to the request of and in cooperation with the section and the United States attorneys, but coordination and policy are effected and determined by the section, with the approval of the Assistant Attorney General in charge of the Criminal Division. The following is an observation by the President's committee:

"The Civil Rights Section's name suggests to many citizens that it is a powerful arm of the Government devoting its time and energy to the protection of all our valued civil liberties. This is, of course, incorrect. The section is only one unit in the Criminal Division of the Department of Justice. As such, it lacks the prestige and authority which may be necessary to deal effectively with other parts of the Department and to secure the kind of cooperation necessary to a thoroughgoing enforcement of civil-rights law. There have been instances where the section has not asserted itself when United States attorneys are uncooperative or investigative reports are inadequate. As the organization of the Department now stands, the section is in a poor position to take a strong stand in such contingencies" (report, p 125).

The Assistant Attorney General in charge of the Criminal Division, as you know, is responsible for the enforcement of a multitude of criminal laws, ranging from espionage and sedition to the Mann Act and the Lindbergh law, and from the Fair Labor Standards Act to the postal laws. He must, of necessity, devote a great deal of his time to the many important matters faced by his division in addition to those presented through the Civil Rights Section.

The section, in addition to the enforcement of the civil rights and slavery and peonage statutes, is responsible for the enforcement of the criminal provisions of the Fair Labor Standards Act (29 U. S. C. 201 et seq.); the penalty provisions of the Safety Appliance Acts, dealing with railroads (45 U. S. C. 1 et seq.); the Kickback Act (18 U. S. C 874), the Hatch Political Activity Act, and other statutes relating to elections and political activities (18 U. S. C. 591-612); and sundry statutes designed or capable of being employed to protect the

civil rights of citizens to promote the welfare of workingmen, to safeguard the honesty of Federal elections, and to secure the right of franchise to qualified citizens. (For example, Railway Labor Act, 45 U. S. C 152; or the statute relating to the transportation of strikebreakers, 18 U. S. C. 1231.)

Due to the limitations under which the section necessarily operates and has operated, it has not undertaken to police civil rights. The only cases it has handled are those which were brought to its attention by complainants, either directly or through the Federal Bureau of Investigation, the United States attorneys, or other Government agencies. Nevertheless, it has received a great number of letters and complaints. The section has received about 10,000 letters each year concerning civil liberties. (See appendix B.) The majority of these letters make clear the misconception which most members of the general public share regarding the scope of present Federal powers. It is estimated that only one-fifth of the letters involved a complaint of a possible deprivation of a right now federally secured. However, since the report of the President's Committee was issued in October 1947, a clearer awareness of the Federal Government's function in the field has apparently been created, and a larger number of civil rights complaints of some substance, appropriate for Federal attention, have been received.

In addition to the civil rights cases, a large number of intricate cases involving alleged crimes in the field of elections and political activities have been received by the section, many from members of the Congress. And, of course, a steady volume of prosecutions under the Fair Labor Standards Act and the miscellaneous statutes handled by the section adds to the burden.

As stated by the President's committee:

"At the present time the Civil Rights Section has a complement of seven lawyers, all stationed in Washington. It depends on the FBI for all investigative work, and on the regional United States attorneys for prosecution of specific cases. Enforcement of the civil rights statutes is not its only task. It also administers the criminal provisions of the Fair Labor Standards Act, the Safety Appliance Act, the Hatch Act, and certain other statutes. It is responsible for processing most of the mail received by the Federal Government which in any way bears on civil rights. Although other resources of the Department of Justice are available to supplement the Civil Rights Section staff, the section is the only agency in the Department with specialized experience in civil rights work. This small staff is inadequate either for maximum enforcement of existing civil rights statutes, or for enforcement of additional legislation such as that recommended by this committee.

"The committee has found that relatively few cases have been prosecuted by the section, and that in part this is the result of its insufficient personnel. The section simply does not have an adequate staff for the careful, continuing study of civil rights violations, often highly elusive and technically difficult, which occur in many areas of human relations" (report, pp. 119-120).

Appendix B, attached hereto, contains a statistical summary of the work of the Civil Rights Section.

Notwithstanding the difficulties and limitations under which the section labors, it is called upon to deal with essential civil rights activities beyond the strict duties of prosecuting criminal cases. It assisted the Solicitor General in the preparation of the *amicus curiae* brief submitted by the Department to the Supreme Court in the restrictive covenant cases (*Shelley v. Kraemer*, 334 U. S. 1 (1948)), and it has aided the office of the Assistant Solicitor General in co-operating with the State Department in connection with United States participation in the preparation by the United Nations of the Universal Declaration of Human Rights and of a proposed covenant to enforce some of these rights. The section has assigned attorneys to the preparation and argument of appellate civil rights cases and has sent attorneys to the field in connection with the investigation and prosecution of difficult and complicated cases, including election crimes matters.

The President in his message on civil rights to the Congress, as one of the steps to be taken to strengthen the organization of the Federal Government to enforce civil-rights laws, specifically recommended "that the Congress provide for an additional Assistant Attorney General" to supervise a Civil Rights Division in the Department of Justice. This recommendation is incorporated in the present bill.

With the creation of the Civil Rights Division, all the above-described necessary activities could be conducted with greater thoroughness and dispatch, and important tasks, not now undertaken, could be assumed. The civil rights enforce-

ment program would be given "prestige, power, and efficiency that it now lacks" (report, p. 152). Enactment of the President's program on civil-rights legislation would, of course, necessitate an increase in staff to cope with the increase in burdens. An expanded organization on divisional lines can meet the added requirements, but is certainly important even in the present situation. In the words of the executive secretary of the President's Committee on Civil Rights, "With an expanded staff * * * the Civil Rights Section would be in a better position to search out civil-liberty violations and to take action designed to prevent violations. It would not have to limit self, as it has in the past, to taking action after complaints are filed by outside persons. For example, there are sometimes advance warnings when a lynching is threatened, and when such warning signs are seen, the Civil Rights Section could send an agent of its own into the danger area or exercise greater authority to direct the activities of the Federal Bureau of Investigation agents. Such early action might frequently deter persons from contemplated unlawful conduct. At least it would place Federal officers in a position to obtain evidence promptly should an offense under civil-rights legislation be committed. This might make it possible to avoid the result that prevailed in the 1946 lynchings at Monroe, Ga. In that instance, extensive but belated Federal investigations could produce no evidence leading to an indictment of the culprits" (Robert K. Carr, "Federal Protection of Civil Rights—Quest for a Sword," p. 209).

To constitute an efficient and complete organization, the Division would include specialized units devoted to the enforcement of the criminal civil-rights statutes, the enforcement of the peonage and slavery statutes, the enforcement of the election and political activities laws, the administration of the labor and related laws, and legal and factual research and appeals. An important function to be developed, with the aid of legal tools which this bill can provide, is greater use of preventive civil remedies, wherein the Attorney General may proceed in the public interest, not by way of punishment, but to prevent and enjoin threatened infringements and deprivations of rights. An expanded Division would not only deal in such matters but also ought to be prepared to intervene in important litigation affecting civil rights. Even now, under the few current statutes, court construction of the existent civil remedy provisions has serious bearing upon the criminal cases, and vice versa, since the language of both is regarded substantially in *pari materia*. (See *Picking v. Pa. R. R. Co.*, 151 F. (2) 240, rehearing denied 152 F. (2d) 753.)

In addition, an increase in the civil-rights staff would serve an essential purpose by providing skilled attorneys who could go into the field to coordinate activities and supervise investigations, as well as try cases and argue appeals. At the present time, practically all of those functions, especially the trial work, must be handled as best can be by the United States attorneys who, of course, are responsible for many other kinds of cases, both civil and criminal, involving interests of the United States.

With regard to the investigative work in the enforcement of the civil-rights statutes, I have already observed that this is done by the Federal Bureau of Investigation. The FBI is, of course, concerned with the enforcement of most of the Federal criminal statutes and of necessity can assign only a limited number of agents to civil-rights work. The facilities of the Bureau have been severely taxed on many occasions when important and involved cases required investigation and they have been consistently used practically to the maximum in investigating the continued volume of complaints. In spite of these handicaps, the Bureau has done a splendid job in civil-rights cases. Any increase in the activities of the present section (or a new division) would require a corresponding increase in the work of the Bureau—a fact which is recognized in the bill.

Part 3—Joint Congressional Committee on Civil Rights

Section 121 establishes a Joint Congressional Committee on Civil Rights to be composed of 14 members—7 Senators to be appointed by the President of the Senate, and 7 Members of the House Representatives to be appointed by the Speaker—with due regard for party representation.

Section 122 provides for the duties of the committee.

Section 123 deals with vacancies and selection of presiding officers.

Section 124 makes provision for hearings, power of subpoena, and expenditures.

Section 125 provides for the formalities of disbursements.

Section 126 authorizes the use of advisory committees and consultation with public and private agencies.

The desirability and need for the establishment of a Joint Congressional Committee on Civil Rights, along with the recommended Commission in the execu-

tive branch and a Civil Rights Division in the Department of Justice, was stated by the President's Committee:

"Congress, too, can be aided in its difficult task of providing the legislative ground work for full civil rights. A standing committee, established jointly by the House and Senate, would provide a central place for the consideration of proposed legislation. It would enable Congress to maintain continuous liaison with the permanent Commission. A group of men in each chamber would be able to give prolonged study to this complex area and would become expert in its legislative needs" (report, p. 155).

Following the committee's report, the President in his message stated:

"I also suggest that the Congress establish a Joint Congressional Committee on Civil Rights. This committee should make a continuing study of legislative matters relating to civil rights and should consider means of improving respect for and enforcement of those rights."

The President noted that the Joint Congressional Committee and the Commission on Civil Rights—

"together should keep all of us continuously aware of the condition of civil rights in the United States and keep us alert to opportunities to improve their protection."

It is appropriate at this point to quote from an early case by Mr. Justice Story:

"The Constitution unavoidably deals in general language. It did not suit the purposes of the people, in framing this great charter of our liberties, to provide for minute specifications of its powers, or to declare the means by which those powers should be carried into execution. It was foreseen that this would be perilous and difficult, if not an impracticable task. The instrument was not intended to provide merely for the exigencies of a few years, but was to endure through a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be indispensable to effectuate the general objects of the charter; and restrictions and specifications, which, at the present, might seem salutary, might, in the end, prove the overthrow of the system itself. Hence, its powers are expressed in general terms, leaving to the legislature, from time to time, to adopt its own means to effectuate legitimate objects, and to mold and model the exercise of its powers, as its own wisdom, and the public interests, should require" (*Martin v. Hunter*, 14 U. S. (1 Wheat.) 304, 326 (1816)).

To enable "the legislature * * * to adopt its own means to effectuate legitimate objects," congressional committees are created and engage in continuous activity to keep the Congress fully informed in the several fields of Federal concern. Creation of the Joint Committee on Civil Rights would be a recognition of the great importance which the Congress attaches to the protection of the civil rights and liberties of the people.

Congress has, in recent years, enacted statutes creating joint congressional committees to survey, study, and investigate certain fields of enterprise and to make recommendations and reports as to necessary legislation and as otherwise may be deemed advisable. Thus, in the field of labor, a congressional Joint Committee on Labor-Management Relations was created by the Labor-Management Relations Act of 1947 (61 Stat. 160; 29 U. S. C. 191 et seq. (1947 Supp.)). The committee was required by law, among other things, "to conduct a thorough study and investigation of the entire field of labor-management relations * * *" (29 U. S. C. 192).

In the Atomic Energy Act of 1946 the Congress established a Joint Committee on Atomic Energy (60 Stat. 772; 42 U. S. C. 1815); and required it, among other things, to "make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy."

Again in the Employment Act of 1946, the Congress established a joint committee, known as the Joint Committee on the Economic Report (60 Stat. 25; 15 U. S. C. 1024). This group was required by the law to "make a continuing study of matters relating to the economic report" required to be submitted by the President by another provision of the statute (15 U. S. C. 1022), to "study means of coordinating programs in order to further the policy of this chapter," and to report to both Houses of the Congress its findings and recommendations as specified. It may be noted again that by the Employment Act the Congress also created a commission in the executive branch, the Council of Economic Advisers in the Executive Office of the President. As indicated before, in discussing the proposed Civil Rights Commission, the Congress in the Employment Act recognized the need for a continuing agency in the executive branch

as well as in the Congress to survey the field in question and recommend and report in connection therewith.

The establishment of the foregoing joint committees, as well as of others, was in recognition of the need in our complex society for specialized agencies to keep abreast of developments in vital branches of American life so that new problems and difficult situations can be met without delay by agencies best equipped to do so. The need is no less vital in the field of constitutional rights and liberties.

TITLE II. PROVISIONS TO STRENGTHEN PROTECTION OF THE INDIVIDUAL'S RIGHTS TO LIBERTY, SECURITY, CITIZENSHIP AND ITS PRIVILEGES

Part 1 Amendments and supplements to existing civil-rights statutes

Section 201. Among the existing civil-rights laws, already noted, is 18 U. S. C. 241 (which was 18 U. S. C. 51 prior to the 1948 revision of title 18; see appendix A). This is a criminal conspiracy statute which has been used to protect federally secured rights against encroachment by both private individuals and public officers. Several changes are proposed, pursuant to recommendations made by the President in his civil rights message (1948) to the Congress.

The phrase "inhabitant of any State, Territory, or District" is substituted for the word "citizen." This would bring the language into conformity with that of 18 U. S. C. 242 (formerly 18 U. S. C. 52; see appendix A), which is a generally parallel protective statute designed to punish State officers who deprive inhabitants of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. Section 241 has had a narrower construction because of the use of the word "citizen," as, for example, in *Baldwin v. Franks* (120 U. S. 678 (1887)), holding that an alien did not come within the protection of the section. On the other hand, in referring to the rights of "inhabitants," the language used in 18 U. S. C. 242 does not exclude from its scope protection of the rights which may happen to be accorded only to citizens, such as the right to vote. Thus, section 242, addressed to protecting the right of inhabitants, applies to the deprivation of constitutional right of qualified voters to choose representatives in Congress, and was held to protect the rights of voters in a primary election, which was prerequisite to the choice of party candidates for a congressional election, to have their votes counted, *United States v. Classic* (313 U. S. 299 (1941), rehearing denied, 314 U. S. 707). Since the Classic case also involved and upheld a conspiracy count under 18 U. S. C. 241 (then 18 U. S. C. 51), there would appear to be no danger of harm to the existing protection of Federal rights of citizens in extending section 241 to cover "inhabitants" as in section 242.

It should be noted that in *Baldwin v. Franks*, supra, doubt was expressed as to whether Congress had or had not used the word "citizen" in the broader or popular sense of resident, inhabitant, or person (120 U. S. 678, 690, see also dissent of Harlan, J., at pp. 695-698), which a majority of the Court resolved in favor of the narrower political meaning of citizen. In so doing the Court added: "It may be by this construction of the statute some are excluded from the protection it affords who are as much entitled to it as those who are included; but, that is a defect, if it exists, which can be cured by Congress, but not by the courts" (*ibid.*, p. 692).

The fourteenth amendment protects "any person," not merely those who are citizens, from State actions in deprivation of life, liberty, or property without due process of law, or in denial of the equal protection of the laws. Hence, the proposed change in section 241 to inhabitant is without doubt within the power of Congress, as the Court indicated in the *Baldwin* case.

In addition to removing what appears to be an unnecessary technical limitation to "citizens," it may properly be urged, at this date, that the extension of coverage is in accordance with the general public policy of the United States, as subscribed to in the United Nations Charter, to promote respect for, and observance of, human right and fundamental freedoms for all.

Section 241 of title 18, United States Code, is a conspiracy provision. There is no legal reason why protection should be given only in cases of conspiracy. The President, in his message of February 2, 1948 (94 Congressional Record 960), as did the President's Civil Rights Committee (report, p. 156), recommended an extension to the cases of infringements by persons acting individually. That is the purport of new subsection (b). As a result the present section 241 is retained by numbering it subsection (a). It remains separately identifiable as the conspiracy provision, which has had a long history of interpretation and which has been sustained as constitutional against various forms of attack

(*Ex parte Yarbrough*, 110 U. S. 651 (1884); *Logan v. United States*, 144 U. S. 263 (1892); *United States v. Mosely*, 238 U. S. 383 (1915)).

An additional reason for separating the present conspiracy law, new subsection (a), from the proposed individual responsibility provision, new subsection (b), was the desire to adjust penalty provisions. It was thought that the action by a single individual condemned in section 241 (b) might parallel in penalty the individual violation in section 242 (a principal difference between the two sections is that the offender in sec. 242 is always a public officer). And since section 242 has always been criticized as being too mild for the serious cases (though otherwise advantageous, as discussed below in the comment under sec. 202), a more formidable penalty is provided for these cases in both 241 (b) and 242. As stated by the President's Committee—

"At the present time the act's (sec. 242) penalties are so light that it is technically a misdemeanor law. In view of the extremely serious offenses that have been or are being successfully prosecuted under section 52 (now 242), it seems clear that the penalties should be increased" (report, p. 156).

To bear out the committee's contention, reference need be made only to *Screws v. United States* (325 U. S. 91 (1945)), and *Crews v. United States* (160 F. (2d) 746 (C. C. A. 5, 1947)). The latter case involved the brutal murder by a town marshal of a defenseless victim. The Court pointed out the inherent shortcomings of present Federal enforcement under existing laws as follows:

"The defendant, although guilty of a cruel and inexcusable homicide, was indicted and convicted merely of having deprived his helpless victim of a constitutional right, under strained constructions of an inadequate Federal statute, and given the maximum sentence under that statute of 1 year in prison and a fine of \$1 000" (*ibid.*, p. 747).

Notwithstanding "the shocking details of the beating that Crews administered with a bull whip" upon the victim and the homicide which followed thereafter, the Government was able to proceed against Crews only on a misdemeanor charge. This defendant was never punished under State law.

Many instances of violations of the Federal civil-rights laws, which have come to our notice, also constitute serious offenses under State laws, which provide substantially more severe penalties than are provided by the present Federal civil-rights statutes, such as 18 U. S. C. 242. Unfortunately, however, where public opinion is indifferent, State officers, who violate the rights of persons less favored in the community, do escape local prosecution and punishment. Accordingly, while every effort is made to have State authorities proceed under local law against those who deprive others of their rights, the Department, when satisfied that the federally secured civil rights of a victim have been infringed, has felt bound to proceed under the Federal statutes, even though fully aware that in cases such as the Crews case the maximum punishment obtainable can never fit the crime.

The purpose of new subsection (c) of section 241 is to plug the gaps in the civil-remedy side. There already appears to be in existence a civil remedy for damages more or less covering the existing conspiracy violations of section 241 (a). This remedy is found in 8 U. S. C. 47 (appendix A). There is no parallel to cover proposed subsection (b), absent a conspiracy. In neither the case of subsection (a) nor subsection (b) is there clear-cut authorization for the bringing of proceedings other than for damages, unless the violators of sections 241 (a) and 241 (b) should happen to be State or Territorial officers (more often chargeable under 18 U. S. C. 242), in which case 8 U. S. C. 43 would appear to afford civil remedies ("in an action at law, suit in equity or other proper proceeding for redress"). See *Hague v. CIO* (307 U. S. 498 (1939)), a suit in equity against State officers. Parenthetically, for all practical purposes, 8 U. S. C. 43 is a parallel, on the civil side, of the criminal statute, 18 U. S. C. 242 (see *Picking v. Pa. R. R. Co.*, 151 F. (2d) 240 (1945), rehearing denied 152 F. (2d) 753); and it appears adequate to cover the situations on the civil side, which are similar to the criminal violations of 18 U. S. C. 242, without requiring further amendment or supplement of section 242 in that regard.

The jurisdictional provision of new subsection (c) of section 241, under which both the Federal district courts and the State and Territorial courts shall have jurisdiction of the civil proceedings, is well fortified with precedents. A similar provision in the Emergency Price Control Act of 1942 (50 U. S. C. A. App. secs. 925 (c) and 942 (k)), was recently sustained in *Testa v. Kutt* (330 U. S. 386 (1947)). For an earlier example, under the Federal Employers' Liability Act, see *Mondou v. N. Y. N. H. & C. R. Co.* (223 U. S. 1 (1912)).

The portion of the proposed jurisdictional provision which reads "without regard to the sum or value of the matter in controversy" has been inserted to avoid misapprehension in these cases that jurisdiction of the Federal district courts is subject to the \$3,000 or more requirement of 28 U. S. C. 1331. The latter is a general jurisdictional provision. Exempted from it are the existing civil rights actions maintainable in the district courts, under 28 U. S. C. 1343, without regard to money value. *Douglas v. City of Jeannette* (319 U. S. 157 (1943)), rehearing denied, *ibid.*, 782; *Hague v. CIO* (307 U. S. 498). However, paragraphs (1) and (2) of 28 U. S. C. 1343 refer specifically to suits for damages growing out of the conspiracy provisions of 8 U. S. C. 47, and paragraph (3) follows closely the language of 8 U. S. C. 43, apparently dealing only with suits against public officers—"to redress the deprivation under color of any law, etc." (28 U. S. C. 1343 (3)). In consequence, it does not appear that 28 U. S. C. 1343 covers all of the civil-rights cases for which it is now proposed to create civil actions. Hence, the need for a provision which obviates a possible judicial construction placing the new causes of action under the provisions of 28 U. S. C. 1331 and its money value requirement.

Section 202: This section amends 18 U. S. C. 242 (see appendix A), but leaves it intact except in regard to the matter of penalty. As already indicated in the discussion of the previous section, this is a statute which is used to protect federally secured rights against encroachment by State officers. There has been criticism that the penalty of a fine not more than \$1,000 or imprisonment of not more than 1 year, or both, is too light in the serious cases. On the other hand, the increase of the prison term would change the nature of the offense from a misdemeanor to a felony, with a loss of the facility the Government now enjoys in being able to prosecute by information rather than by the more cumbersome method of proceeding by indictment (18 U. S. C. 1, *Calette v. United States*, 132 F. (2d) 902 (1943)). Accordingly, it is deemed preferable to leave the general punishment at the misdemeanor level, but in cases where the wrong results in death or maiming, to provide for the greater penalty. On the civil side, as already observed in the comment on the preceding section, the existing remedies under 8 U. S. C. 43 appear adequate for this section.

Section 203: Provides a supplement to 18 U. S. C. 242. The intent is to provide an enumeration of some of the rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, of which inhabitants shall not be willfully deprived (which is the general language of 18 U. S. C. 242), in order to overcome what seems to be a handicap at trial in the use of section 242, as recently imposed in *Screws v. United States* (325 U. S. 91 (1945)). Pursuant to the Screws case, the Government in order to obtain a conviction under 18 U. S. C. 242, is required to prove, and the judge must adequately instruct the jury, that the defendant has "willfully" deprived his victim of a constitutional right, which specific right the defendant had in mind at the time. Proof of a general bad purpose alone may not be enough (325 U. S. 91, 103). See more recently to the same effect, *Pullen v. United States* (164 F. (2d) 756 (1947)), reversing a conviction for failure of the indictment and the judge's charge with respect to "willfully."

The enumeration of rights is of course only partial, and does not purport to enumerate all Federal rights running against officers. But it is demonstrable that none of the enumeration creates any new right not heretofore sustained by the courts. The following examples are cited:

1. The right to be immune from exactions of fines without due process of law (*Culp v. United States*, 131 F. (2d) 93 (1942)) (imprisonment by State officer without cause and for purposes of extortion is denial of due process and an offense under 18 U. S. C. 242, formerly 52).

2. The right to be immune from punishment for crime except after fair trial and due sentence (*Screws v. United States*, 325 U. S. 91 (1945)) (sheriff beating prisoner to death may be punishable under 18 U. S. C. 242, formerly 52); *Crews v. United States* (160 F. (2d) 746 (1947)) (sheriff making arrest and, without commitment or trial, causing death of prisoner by forcing him to jump into a river violated 18 U. S. C. 242, formerly 52); *Moore v. Dempsey* (261 U. S. 86 (1923)) (conviction in State trial under mob domination is void); *Mooney v. Holohan* (294 U. S. 103 (1935)) (criminal conviction procured by State prosecuting authorities on perjured testimony, known by them to be perjured, is without due process).

3. The right to be immune from physical violence applied to exact testimony or to compel confession of crime, *Chambers v. Florida* (309 U. S. 227 (1940)) (convictions obtained in State courts by coerced confessions are void under

fourteenth amendment) : *United States v Sutherland* (37 F. Supp. 344 (1940)) (State officer using assault and torture to extort confession of crime violates 18 U. S. C. 242, formerly 52).

4. The right to be free of illegal restraint of the person (*Catlette v. United States*, 132 F. (2d) 902 (1943)) (sheriff detaining individuals in his office and compelling them to submit to indignities violates 18 U. S. C. 242, formerly 52); *United States v Trierweiler* (52 F. Supp. 4 (1943)) (sheriff and others attempting to arrest and killing transient, without justification, violated 18 U. S. C. 242, formerly 52).

5. The right to protection of person and property without discrimination by reason of race, color, religion, or national origin (*Catlette v. United States*, 132 F. (2d) 902 (1943)) (sheriff subjecting victims to indignities by reason of their membership in a religious sect and failing to protect them from group violence violates 18 U. S. C. 242, formerly 52); *Yick Wo v. Hopkins* (118 U. S. 356 (1886)) (unequal administration of State law, because of a person's race or nationality, resulting in his being deprived of a property right, is a denial of rights under the fourteenth amendment).

6. The right to vote as protected by Federal law (*United States v. Classic*, 313 U. S. 299 (1941), rehearing denied 314 U. S. 707) (violation of right of qualified voters in primary election for congressional candidate to have their votes counted, punishable under 18 U. S. C. 242, formerly 52); *United States v. Saylor* (322 U. S. 385 (1944), rehearing denied 323 U. S. 809) (right of voter in a congressional election to have his vote honestly counted is violated by a conspiracy of election officials to stuff the ballot box, and is punishable under 18 U. S. C. 241, formerly 51); *Smith v. Allwright* (321 U. S. 649 (1944), rehearing denied 322 U. S. 769) (right of a citizen to vote in primary for candidates for Congress is a right which may not be abridged by a State on account of race or color, and damages are recoverable for violation under 8 U. S. C. 43).

The great majority of our people are secure in their homes, their property, and their persons under the protections extended through the offices of the State, county, and municipal authorities. Police protection is generally taken for granted. But an unfortunately large number of our people are not thus secure; they live in fear and distrust. They fear not only their neighbors but the authorities who by law are chosen to protect them. When these authorities themselves invade their rights, or refuse to protect them against others, there is none but the Federal Government to aid them.

In the words of the President's Committee:

"Freedom can exist only where the citizen is assured that his person is secure against bondage, lawless violence, and arbitrary arrest and punishment. Freedom from slavery in all its forms is clearly necessary if all men are to have equal opportunity to use their talents and to lead worthwhile lives. Moreover, to be free, men must be subject to discipline by society only for commission of offenses clearly defined by law and only after trial by due process of law. Where the administration of justice is discriminatory, no man can be sure of security. Where the threat of violence by private persons or mobs exists, a cruel inhibition of the sense of freedom of activity and security of the person inevitably results. Where a society permits private and arbitrary violence to be done to its members, its own integrity is inevitably corrupted. It cannot permit human beings to be imprisoned or killed in the absence of due process of law without degrading its entire fabric" (Report, p. 6).

Section 204 amends 18 United States Code 1583, formerly 443 (see appendix A). This is a statute, enacted under the plenary power of the thirteenth amendment to the United States Constitution, punishing the kidnapping or enticing of persons for purposes of subjecting them to slavery or involuntary servitude. The amendment purports to make clear that the holding in involuntary servitude is punishable. A discussion of the doubt and the causes thereof, with respect to the existing provision, is found in 29 Cornell Law Quarterly 203. The insertion of "other means of transportation" is simply to bring the statute up to date by supplementing the word "vessel."

Insertion of the words "within or beyond the United States" was to settle any question that an enticement on board a vessel, etc., with intent that one be made a slave or held in involuntary servitude, applies within as well as outside the country.

Part 2—Protection of right to political participation

Section 211 is an amendment of section 1 of the present Hatch Act, formerly 18 United States Code 61, now 594 (see appendix A). This section of the Hatch Act presently makes punishable intimidation and coercion for the purpose of

interfering with the right of another to vote as he chooses at elections for national office. The purpose of the amendment is to make the provisions applicable to primary and special elections as well as to general elections for Federal office. The existing language is "any election" (for the named offices). The amendment would make it "any general, special or primary election" (for the named offices).

The Hatch Act was enacted in 1939 at a time when, due to the decision in *Newberry v. United States* (256 U. S. 232 (1921)), there was doubt in Congress as to the constitutionality of Federal regulation of nominating primaries. This doubt was resolved in 1941, in favor of Federal power, by *United States v. Classic* (317 U. S. 299 (1941)), 324, fn. 8). Nevertheless, in view of the legislative history, companion sections to section 1 of the Hatch Act were construed, since the Classic case, not to include primary elections, *United States v. Malphurs* (41 F. Supp. 817 (1941)), vacated on other grounds (316 U. S. 1). Accordingly, the amendatory insertion, above, is necessary notwithstanding the generality of the existing language "any election," etc.

Section 212 is an amendment of one of the old existing civil-rights statutes, enacted as part of the act of May 31, 1870, and which became section 2004 of the Revised Statutes (8 U. S. C. 31, see appendix A). Section 2004 presently declares it to be the right of citizens to vote at any election by the people in any State, Territory, county, municipality, or other territorial subdivision without distinction as to race, color, or previous condition of servitude.

As originally drafted, it was the first section of the act of May 31, 1870, and depended upon remedies provided in other sections of that act and later acts, parts of which were held unconstitutional or repealed. In order to avoid any question as to the kind of punishment or remedy which is available in vindication or protection of the stated right, the amendment inserts a specific reference to the two basic criminal- and civil-remedy provisions directed at State officers: namely, 18 United States Code 242 and 8 United States Code 43. The latter, providing civil remedies, has already been successfully applied in the past to the present statute (8 U. S. C. 31) in a number of cases such as *Nixon v. Herndon* (273 U. S. 536 (1927)), *Nixon v. Condon* (286 U. S. 73 (1932)), *Smith v. Allwright* (321 U. S. 649 (1944)), and *Chapman v. King* (154 F. (2d) 460 (1946)); certiorari denied (327 U. S. 800). There appears to be no parallel history of applying the corresponding criminal sanctions of 18 United States Code 242 to 8 United States Code 31, although in *United States v. Stone* (188 Fed. 836 (1911)), and indictment under section 20 of the Criminal Code (18 U. S. C. 52, now 18 U. S. C. 242), charging that State officials acting under color of State law deprived Negroes of their vote or made it difficult for them to vote their choice at a congressional election, was sustained against a demurrer. Indeed, it was not until the comparatively recent decision in the Classic case ((1941), 313 U. S. 299), that the potentialities of 18 United States Code 242 in protecting voting rights became evident. 8 United States Code 43 and 18 United States Code 242 are, as stated, regarded in pari materia with respect to the nature of the offense charged (*Picking v. Pa. R. R. Co.*, 151 F. (2d) 240 (1945); rehearing denied, 152 F. (2d) 753).

The phrase "and other applicable provisions of law" is designed to preclude any implication that by specifying two statutory sections there is an exclusion of other sections of the criminal and civil statutes, which by operation of law and construction are part of the legal arsenal in the use of the specified sections. Thus, under existing law, the same offense under 18 United States Code 242 may, because of a conspiracy, give rise to an added count in the indictment for a violation of 18 United States Code 241 (*United States v. Classic*, 313 U. S. 299 (1941)) (conspiracy of public officers), or a prosecution solely under 18 United States Code 241 (*United States v. Ellis*, 43 F. Supp. 321 (1942)) (conspiracy of public officers and private individuals); or a prosecution under 18 United States Code 371 (formerly 18 U. S. C. 88) and 18 United States Code 242 (*United States v. Trierweiler*, 52 F. Supp. 4 (1943)) (conspiracy of public officers and private individuals). It is intended that these and any other such remedies shall be available.

A number of changes in language have been made both in the interest of modernizing the old phraseology and closing certain obvious holes now open for construction. For example, insertion of the phrase "general, special, or primary" in describing "election by the people" is intended to avoid any handicaps of earlier legislative history noted, supra, in the comment on the similar problem in connection with amending the Hatch Act.

One change in verbiage deserves special comment. The present statute speaks only of distinction of race, color, or previous condition of servitude. The words "previous condition of servitude" have been dropped as unnecessary, since the slaveholding days are far removed. In their place have been substituted the words "religion or national origin" (consistent with other nondiscriminatory provisions of this bill).

It is clear that the existing guaranty against distinctions in voting based on race or color is expressly authorized by the fifteenth amendment (*United States v. Reese*, 92 U. S. 214 (1874); *Smith v. Allwright*, 321 U. S. 649 (1944)) and is validly applicable in all elections, whether Federal, State, or local (*Chapman v. King*, 154 F. (2d) 460 (1946); certiorari denied, 327 U. S. 800). In addition, the present statute has been sustained under the equal-protection clause of the fourteenth amendment (*Nixon v. Herndon*, 273 U. S. 536 (1927); *Nixon v. Condon*, 286 U. S. 73 (1932)), which clause also is the source for the claim that distinctions in voting based on religion or national origin are arbitrary and unreasonable classifications both as they appear in State laws (cf. *Cantwell v. Connecticut*, 310 U. S. 296 (1940); *Truax v. Raich*, 239 U. S. 33 (1915); *Oyama v. California*, 332 U. S. 633 (1948)) or in the administration of such laws (*Yick Wo v. Hopkins*, 118 U. S. 356 (1886)). See also *Hirabayashi v. United States* (320 U. S. 81, 100 (1943)), wherein the Court recognized that, as a general rule, "Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality." Moreover, the instant statute deals with the right of citizens to vote, and it could easily be regarded as an infringement upon the exclusively Federal naturalization power for States to deny, or differently accord, to citizens voting rights based on the national origin of such citizens, wholly apart from the aspect of an unreasonable classification. Confer *Truax v. Raich* (239 U. S. 33, 42 (1915)), where the Court took the view that for a State to deny or limit aliens in the right to work in private employment would interfere with the power of Congress to control immigration.

Section 213 is designed to supplement section 211 of this part by creating civil remedies for violations of that section, and to authorize for both sections 211 and 212 of this part the bringing of suits by the Attorney General in the district courts for preventive, declaratory, or other relief. The reason for this seemingly uneven application is that 18 United States Code 594, which section 211 amends, already contains criminal penalties but has no clear civil remedy. On the other hand, section 212 has specifically rewritten 8 United States Code 31 to contain within itself references to both criminal penalties and civil remedies, since the existence of the former was not clear and the latter existed by construction. In addition, as to both sections, there is need for recognition of the right of public authority to take timely civil measures in heading off threatened denials of the right to vote.

With respect to the jurisdictional provisions, the precedents for State-court jurisdiction are cited in the analysis of part 1, section 201, supra. The need for specifically excluding regard to the sum or value of the matter in controversy, so far as the United States district courts are concerned, is also explained in the analysis of part 1, section 201, supra. No similar reference is needed in the case of suits by the Attorney General, since the Federal district courts obtain jurisdiction in a suit where the United States is a party plaintiff regardless of the amount at issue (28 U. S. C. 1345; *United States v. Sayward*, 160 U. S. 493; *United States v. Conti*, 27 F. Supp. 756; *R. F. C. v. Krauss*, 12 F. Supp. 4).

On the question of the need and desirability of the amendments and other provisions to be effectuated by this part of the bill, the President said in his civil-rights message to the Congress (1948):

"We need stronger statutory protection of the right to vote. I urge the Congress to enact legislation forbidding interference by public officers or private persons with the right of qualified citizens to participate in primary, special, and general elections in which Federal officers are to be chosen. This legislation should extend to elections for State as well as Federal officers insofar as interference with the right to vote results from discriminatory action by public officers based on race, color, or other unreasonable classification."

In somewhat more detail, the President's Committee on Civil Rights, recommending legislation which would apply to Federal elections and primaries, said:

"There is no doubt that such a law can be applied to primaries which are an integral part of the Federal electoral process or which affect or determine the result of a Federal election. It can also protect participation in Federal election campaigns and discussions of matters relating to national political issues.

This statute should authorize the Department of Justice to use both civil and criminal sanctions. Civil remedies should be used wherever possible to test the legality of threatened interferences with the suffrage before voting rights have been lost" (Report p. 160).

And the Committee also recommended—

"The enactment by Congress of a statute protecting the right to qualify for, or participate in, Federal or State primaries or elections against discriminatory action by State officers based on race or color, or depending on any other unreasonable classification of persons for voting purposes.

"This statute would apply to both Federal and State elections, but it would be limited to the protection of the right to vote against discriminatory interferences based on race, color, or other unreasonable classification. Its constitutionality is clearly indicated by the fourteenth and fifteenth amendments. Like the legislation suggested under (2), it should authorize the use of civil and criminal sanctions by the Department of Justice" (Report, pp. 160, 161).

Part 3—Prohibition against discrimination or segregation in interstate transportation

Section 221 (a) declares that all persons traveling within the jurisdiction of the United States shall be entitled to equal treatment in the enjoyment of the accommodations of any public conveyance or facility operated by a common carrier engaged in interstate or foreign commerce without discrimination or segregation based on race, color, religion, or national origin.

Section 221 (b) makes punishable by fine (no imprisonment), and subject to civil suit, the conduct of anyone who denies or attempts to deny equal treatment to travelers of every race, color, religion, or national origin, in the use of the accommodations of a public conveyance or facility operated by a common carrier engaged in interstate or foreign commerce. Civil suits may be brought in the State courts as well as the Federal district courts.

Section 222 makes it unlawful for the common carrier engaged in interstate or foreign commerce or any officer, agent, or employee thereof to segregate or otherwise discriminate against passengers using a public conveyance or facility of such carrier engaged in interstate or foreign commerce on account of the race, color, religion, or national origin of such passengers. Violations are subject to fine and civil suit, the latter being cognizable in State as well as Federal courts.

This part is needed to both implement and supplement existing Supreme Court decisions and acts of Congress, as recommended by the President and the Committee on Civil Rights (Report, p. 170).

In a recent case, *Bob-Lo Excursion Co. v. Michigan* (333 U. S. 28 (1948)), the Supreme Court had occasion to consider the validity of the Michigan civil rights law applied to a steamboat carrier transporting passengers from Detroit to an island which is a part of Canada. Although the carrier was engaged in foreign commerce, the Court laid aside this aspect in view of particular localized circumstances and held that the prohibition of the State law against discrimination for reasons of race or color was valid and applicable to the carrier. Mr. Justice Rutledge, speaking for the Court said (at p. 37, note 16)—

"Federal legislation has indicated a national policy against racial discrimination in the requirement, not urged here to be specifically applicable in this case, of the Interstate Commerce Act that carriers subject to its provisions provide equal facilities for all passengers (49 U. S. C., sec. 3 (1)), extended to carriers by water and air (46 U. S. C., sec. 815; 49 U. S. C., secs. 484, 905). Cf. *Mitchell v. United States* (313 U. S. 80). Federal legislation also compels a collective bargaining agent to represent all employees in the bargaining unit without discrimination because of race (45 U. S. C., sec. 151 et seq.); *Steel v. Louisville & Nashville R. Co.* (323 U. S. 192); *Tunstall v. Brotherhood of Locomotive Firemen & Enginemen* (323 U. S. 210). The direction of national policy is clearly in accord with Michigan policy. Cf. also *Hirabayashi v. United States* (320 U. S. 81), *Korematsu v. United States* (323 U. S. 214); *Ex parte Endo* (323 U. S. 283)."

There is little doubt as to the direction of national policy, referred to in the *Bob-Lo* case. Instrumentalities of interstate and foreign commerce are being cleared of the obstructing influences of discrimination and segregation. Prejudices, advantages, and discrimination have been forbidden for many years by the Interstate Commerce Act (49 U. S. C. 3; *Mitchell v. United States*, 313 U. S. 80 (1941)). In *Morgan v. Virginia* (328 U. S. 373 (1946)), the Supreme Court held that a State statute requiring segregation of the races in motor

busses was unconstitutional in the case of an interstate passenger, as a burden on interstate commerce. See also *Matthews v. Southern Ry. System* (157 F. (2d) 609 (1946)), indicating that there is no different rule in the case of railroads.

The civil rights section has found that notwithstanding the ruling of the Supreme Court in the Morgan case, local law-enforcement officers have arrested and caused the detention and fine of Negro passengers who refused to move to a seat or car reserved for Negroes. Of the several complaints in such matters received within the past 2 years, three investigations were instituted. In each of these cases it was reported that the officers involved had violated the rights of the passengers to be free from unlawful arrest, since the officers were without authority to effect the arrest. However, in the absence of a clearly stated statutory basis for prosecution, and in view of the handicap in attempting to proceed under the limitations placed upon the existing general civil rights laws by the Supreme Court (*Scireaux v. United States*, 325 U. S. 91 (1945)), none of these cases was prosecuted. It was determined that the officers in question probably acted without the requisite specific intent necessary to constitute a violation of the constitutional rights of the passengers under the general statutes, as required by the *Screws* case; rather that they were acting in ignorance and in an effort to cooperate with the railroads involved.

Proposed section 221 would remove any doubts on this score, and would declare the rights of passengers to be free of discrimination and segregation in interstate and foreign commerce on account of race, color, religion, or national origin. It would put all persons, including public officers, on clear notice of the rights of passengers.

The proposed section would also make the carrier and its agents responsible for their participation in any such unlawful practices. It will be remembered that the Morgan case dealt only with State law, and not with the action of the interstate carriers themselves, *Morgan v. Virginia* (328 U. S. 373, 377, fn. 12 (1946.)) who have continued to segregate, *Henderson v. Interstate Commerce Commission* (80 F. Supp. 32 (1948) (appeal pending, jurisdiction noted, ——— U. S. ———, March 14, 1949; the Government will urge reversal).

In cases involving the carriers and certain segregation practices or requirements, which the court felt overstepped the bounds of existing law, the Supreme Court has stated on several occasions that constitutional rights are personal and not racial, *Mitchell v. United States* (313 U. S. 80, 96 (1941)); *McCabe v. A. T. and S. F. Ry. Co.* (235 U. S. 151, 161 (1941)) (see also the restrictive covenants case for enunciation of the same principle in another field, *Shelley v. Kraemer* (334 U. S. 1, 22 (1948))). The action of the Congress is needed to give unequivocal effect to this principle in interstate travel. As stated in the President's message on civil rights—

"The channels of interstate commerce should be open to all Americans on a basis of complete equality. The Supreme Court has recently declared unconstitutional State laws requiring segregation on public carriers in interstate travel. Company regulations must not be allowed to replace unconstitutional State laws. I urge the Congress to prohibit discrimination and segregation, in the use of interstate transportation facilities, by both public officers and the employees of private companies."

It is submitted that passage of this part would remove all doubts on the subject and would bring to a conclusion a long process of making carrier facilities available to all without distinction because of race or color. Expensive, involved litigation has accomplished a great deal. But an express statement of congressional policy is desirable to accelerate an ending of this source of constant friction and irritation in interstate commerce.

I would like to proffer one final, general comment with regard to the whole of this proposed legislative effort. It is stated in the words of the President's committee, and I should like to make them, at this point, my own words

"The argument is sometimes made that because prejudice and intolerance cannot be eliminated through legislation and Government control, we should abandon that action in favor of the long, slow, evolutionary effects of education and voluntary private efforts. We believe that this argument misses the point and that the choice it poses between legislation and education as to the means of improving civil rights is an unnecessary one. In our opinion, both approaches to the goal are valid, and are, moreover, essential to each other.

"It may be impossible to overcome prejudice by law, but many of the evil discriminatory practices which are the visible manifestations of prejudice can be brought to an end through proper Government controls." (Rept. p. 103)

APPENDIX A

§ 241 (18 U. S. Code) CONSPIRACY AGAINST RIGHTS OF CITIZENS

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than \$5,000 or imprisoned not more than 10 years, or both.

§ 242 (18 U. S. Code) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains or penalties, on account of such inhabitant being an alien or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

§ 243 (18 U. S. Code) EXCLUSION OF JURORS ON ACCOUNT OF RACE OR COLOR

No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State on account of race, color, or previous condition of servitude; and whoever, being an officer or other person charged with any duty in the selection or summoning of jurors, excludes or fails to summon any citizen for such cause, shall be fined not more than \$5,000.

§ 594 (18 U. S. Code) INTIMIDATION OF VOTERS

Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and Possessions, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

§ 43 (8 U. S. Code) CIVIL ACTION FOR DEPRIVATION OF RIGHTS

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects or causes to be subjected, any citizen of the United States or any other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

§ 47 (8 U. S. Code) CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS

(1) *Preventing officer from performing duties.*—If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) *Obstructing justice, intimidating party, witness, or juror.*—If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two

or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws:

(3) *Depriving persons of rights or privileges.*—If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

§ 31 (8 U. S. Code) RACE, COLOR, OR PREVIOUS CONDITION NOT TO AFFECT RIGHT TO VOTE

All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

§ 41 (8 U. S. Code) EQUAL RIGHTS UNDER THE LAW

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

§ 42 (8 U. S. Code) PROPERTY RIGHTS OF CITIZENS

All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

§ 56 (8 U. S. Code) PEONAGE ABOLISHED

The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, be declared null and void

§ 1518 (18 U. S. Code) PEONAGE; OBSTRUCTING ENFORCEMENT

(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

(b) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be liable to the penalties prescribed in subsection (a).

§ 1583 (18 U. S. Code) ENTICEMENT INTO SLAVERY

Whoever kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or

Whoever entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held—

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

§ 1584 (18 U. S. Code) SALE INTO INVOLUNTARY SERVITUDE

Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

APPENDIX B

The Civil Liberties Section (now Civil Rights Section) was established on February 6, 1939, for the purpose of handling all problems and supervising all prosecutions involving interference with the ballot, peonage, the strikebreaking statute, shanghaiing men for service at sea, conspiracies to violate the National Labor Relations Act, the intimidation of persons for having informed the Departments of the Government of matters pertinent to their functions, and other infringements of civil rights. On February 5, 1944, the Section was reorganized to extend its duties to enforcement of Fair Labor Standards Act, Hours of Service Act, Safety Appliance Act, Kick-back Act, Walsh-Healey Act, Soldiers' and Sailors' Civil Relief Act, and the Reemployment Section of the Selective Training and Service Act of 1940; and the name of the Section was changed to "Civil Rights Section."

During the 10 years following the establishment of the Civil Liberties Section, approximately 100,000 complaints have been received involving real or imagined civil-rights matters. Though there is some duplication of complaints involved in this figure, the vast majority of them are distinct individual complaints. Totals of mail handled in connection with pressure campaigns on particular cases are not included in this total. The Section conducts about 400 personal interviews with complainants and visitors each year. Following is a résumé of the volume of work which has been handled in the Section:

Civil rights and political cases

In 1939, three outstanding civil-rights cases were tried. In addition to these, 24 persons were convicted for violation of Election laws.

In 1940, approximately 8,000 civil-rights complaints were received. Forty investigations were undertaken in connection with Hatch Act violations. Of these, 16 were completed and prosecutions were recommended in 12 cases.

In 1941, six outstanding civil-rights, Hatch Act, and Election fraud cases were prosecuted. Convictions were had in 5 cases. Grand juries returned no bills in 7 cases.

During the fiscal year of 1942, 8,612 complaints were received, 224 investigations were requested and prosecutive action was taken in 76 cases. (170 personal interviews were had with complainants.)

In 1943, nine cases of outstanding importance were prosecuted.

During the fiscal year of 1944, 20,000 complaints were received in matters concerning civil rights, election crimes, reemployment under the Selective Training and Service Act and the Soldiers' and Sailors' Civil Relief Act. 356 investigations were conducted and 64 prosecutions were undertaken during the year. 75 cases which involved the Soldiers' and Sailors' Civil Relief Act of 1940 were received.

During the fiscal year of 1945, 4,421 complaints were received and 139 investigations conducted. Prosecutions were undertaken in 32 cases. Pleas of nolo contendere were entered in 23 cases. No bills were returned in seven instances and one case was before the Supreme Court. Prosecution was undertaken in 23 Election fraud cases, and pleas of nolo contendere were entered in all 23 cases.

In the year ending June 30, 1946, 7,229 complaints were received in civil-rights and political cases. 152 investigations and 15 prosecutions were undertaken. 5 convictions were secured, 7 cases were concluded adverse to the Government and one case was before the Supreme Court. 6 Election fraud cases were prosecuted and 2 convictions were secured in peonage cases.

In the fiscal year of 1947, 13,000 complaints were received, 241 investigations were instituted, and prosecutions were undertaken in 12 cases. Convictions were secured in 4 cases and 6 resulted in acquittals.

During the year ending June 30, 1948, approximately 14,500 complaints were received, 300 investigations were instituted, and 20 prosecutions undertaken.

It is estimated that 15,000 complaints will be received during the fiscal year 1949, and 300 investigations instituted.

Cases involving labor statutes

	Examined and referred to United States attorneys for prosecution	Penalties assessed
Fair Labor Standards Act cases (child labor, wage and hour, record keeping, and criminal contempt)		
1944.....	59	\$80,123
1945.....	99	46,255
1946.....	230	222,844
1947.....	135	84,751
1948.....	79	59,488
Hours of service law cases		
1944.....	65	77,400
1945.....	49	23,100
1946.....	38	37,900
1947.....	8	6,700
1948.....	18	4,300
Safety Appliance Act cases		
1944.....	284	65,600
1945.....	247	23,100
1946.....	157	58,000
1947.....	114	42,900
1948.....	180	65,000

	Complaints received	Indictments obtained	Convictions	Penalties assessed
Kickback Act ¹				
1944.....	100	6	3	\$4,100
1945.....	35	2		
1946.....	9			
Walsh-Healy Act.				
1944.....		4		
1945.....		1		1,500

	Cases referred to United States attorneys for prosecution	Penalties assessed
Signal Inspection Act		
1946.....	2	\$200
1947.....	2	200
1948.....	7	400

	Cases received	Penalties assessed
Accidents report law, 1948.....	1	\$100
Merchant seaman statute, 1948.....	1	

¹ Approximate

STATEMENT BY THE ATTORNEY GENERAL CONCERNING PROPOSED FEDERAL ANTILYNCHING ACT (H. R. 4683)

I appreciate the opportunity to express my views regarding H. R. 4683, a bill to provide protection of persons from lynching, and for other purposes.

In my judgment the Federal Government today has the obligation to protect its citizens, and in fact all inhabitants of the Nation, from the forcible deprivation by mob action of the right to a fair trial. It has that obligation, also, in my view,

as to mob action directed against individuals by reason of their race, color, religion, or national origin. The Department of Justice has long endeavored to enforce these rights to the fullest extent possible under the provisions of existing law. But serious limitations have been imposed. In my opinion the time has come for strengthening the existing law so as to deal adequately with the entire problem of lynching.

Under the existing general statutes, notably 18 U. S. C. 241 and 242, and the general conspiracy provision, 18 U. S. C. 371, the basis exists, and the Department has used it successfully, though under certain major handicaps, to prosecute State officers and private individuals who conspire with the State officers to substitute mob violence for the lawful adjudication and punishment of crime in accordance with due process of law. (The handicaps referred to are discussed at some length in my statement concerning the proposed Civil Rights Act of 1949 (H. R. 4682).) The sections of law to which I have referred (18 U. S. C. 241-242, 18 U. S. C. 371) enable us to deal with part of the so-called lynching problem, and, if the general statutes are improved in the ways already suggested, our hand would be strengthened in that regard. However, this by no means meets the whole problem. It is essential that a lynching bill put the Government in a position to prosecute the members of a lynch mob, particularly where there is no element of conspiracy with local officers. These undoubtedly comprise the bulk of the present-day cases where the threat of lynching exists. In addition, it is essential that the Government should not be limited to those cases where persons are taken from law enforcement officers with or without the consent of such officers. There have been far too many instances in the past of lynching or the threat of lynching in the case of persons neither charged with nor suspected of crime, but who, for economic or political reasons, have been the subject of lawless mob action because of their race, color, religion, or national origin. Such a situation is intolerable in our society. The Government must be in a position to deal with all of these situations.

Accordingly, I should like to voice my support of H. R. 4683 as an antilynching measure which meets the needs of the law-enforcement agencies. Consideration of the kind of bill which is to be enacted becomes particularly significant, because there are bills pending in the Congress which, though entitled antilynching measures, fall far short of the situation which must be remedied.

I would like, therefore, to summarize briefly for you the provisions of H. R. 4683 so that there is clear understanding upon what I and my Department think is essential for a Federal antilynching bill.

Section 1 gives the short title.

Section 2 contains legislative findings. I would regard these findings to be particularly useful in relation to our endeavors in world affairs. Certain it is, too, that here at home we must meet the challenge of communism in the ideological field where we are best equipped; namely, in the securing of individual rights to life and liberty.

Section 3 declares the right to be free from lynching to be a federally protected right.

Section 4: As defined in this section, a lynching may be committed by an assemblage of two or more persons who are referred to as a lynch mob. Two general types of lynch mob violence form the basic offense; (a) That committed or attempted because of the race, color, religion, or national origin of the intended victim, or (b) that committed or attempted by way of correction or punishment of the intended victim, who is either in the custody of a peace officer, or who is suspected of or charged with or convicted of the commission of a criminal offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of the victim or of imposing a punishment not authorized by law. By these indicia, it is intended to distinguish lynching from ordinary violence.

Section 5 provides punishment for two classes of persons: (1) Any member of a lynch mob, and (2) any person whether or not a member of a lynch mob who instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever. The penalties are graded, so that the serious offenses resulting in death or maiming or severe property damage (as defined) may result in imprisonment up to 20 years or a fine of \$10,000, or both. All other offenses may be punished by imprisonment of not more than 1 year or a fine of not more than \$1,000, or both. The distinction in punishment allows for the technical differences in prosecuting felonies and misdemeanors under Federal law. Thus, a misdemeanor, an offense punishable by imprisonment not exceeding 1 year (18 U. S. C. 1), may be prosecuted by information rather than by indictment (*Catlette v. United States*, 132 F. (2d) 902).

Section 6 provides punishment for peace officers who neglect, refuse, or willfully fail to make diligent efforts to prevent lynching or to protect persons from lynch mobs or who willfully fail to make diligent efforts to apprehend or keep in custody members of a lynch mob. Subsection (a) is directed against State and municipal peace officers. Subsection (b) is directed against Federal peace officers in places where the United States exercises exclusive criminal jurisdiction.

Section 7 defines peace officer.

Section 8. Under this section, the kidnaping law is amended so as to make punishable the transporting, in interstate or foreign commerce, of persons unlawfully abducted or held because of race, color, religion, or national origin or for purposes of punishment, correction, or intimidation.

Section 9 is a separability clause.

The crime of lynching is a blot on our national life. The facts concerning it are on record before your committee. It is condemned by right-thinking people in every section of our country.

—I am not unmindful, of course, that serious questions of constitutionality will be urged with regard to some of the provisions of the bill. But I am thoroughly satisfied that the bill, as drawn, is constitutional. It is true that there is a line of decisions holding that the fourteenth amendment relates to and is a limitation or prohibition upon State action and not upon acts of private individuals (*Civil Rights Cases*, 109 U. S. 3; *United States v. Harris*, 106 U. S. 629, *United States v. Hodges*, 203 U. S. 1). These decisions have created doubt as to the validity of a provision making persons as individuals punishable for the crime of lynching. However, without entering here upon a discussion of whether or not these decisions are controlling or possess present-day validity in this connection, it may be pointed out that such a provision punishing persons as individuals need not rest solely upon the fourteenth amendment. Upon proper congressional findings of the nature set forth in H. R. 4683, the constitutional basis for this bill would include the power to protect all rights flowing from the Constitution and laws of the United States, the law of nations, the treaty powers under the United Nations Charter, the power to conduct foreign relations, and the power to secure to the States a republican form of government, as well as the fourteenth amendment.

I urge that the Congress exercise its full powers to give a governmental guaranty to the foremost freedom, the freedom to live. That exercise of power will, in my opinion, be upheld by the judiciary.

Mr. CELLER. In the text of that report are outlined the immunities and rights that I have mentioned. They are not exclusive.

Section 204, on page 14 of the bill, amends title 18, United States Code, section 1583. This amendment makes clear that the holding, as well as selling, into involuntary servitude or slavery is punishable. The insertion of "other means of transportation" is simply to bring the statute up to date, supplementing the now present word "vessel."

Beginning on page 14, H. R. 627 amends existing protections of the right to vote. Section 211 makes it clear that section 596 of title 18, United States Code, is intended to apply to general, special, or primary elections. The existing language is "any election." Section 211 would amend this to read "any general, special, or primary election." Section 212 makes a number of changes in phraseology in the present section 1971 of title 42, United States Code, to close certain loopholes now open for construction. The phrase "general, special, or primary election" supplants the words "any election by the people." The present statute speaks only of distinction of race, color, or previous condition of servitude. The words "previous condition of servitude" have been dropped as unnecessary, since the slaveholding days are far removed. In their place have been substituted the words "religion or national origin."

It is clear that the existing guaranty against distinctions in voting based on race or color is expressly authorized by the 15th amendment (*U. S. v. Reese*, 92 U. S. 214 (1874); *Smith v. Allwright*, 321 U. S. 649, decided in 1944), and is applicable to all elections, whether Fed-

eral, State, or local (*Chapman v. King*, 154 F. 2d 460, decided in 1946). In addition, the present statute has been sustained under the equal-protection clause of the 14th amendment (see *Nixon v. Herndon*, 273 U. S. 536, decided in 1927; *Nixon v. Condon*, 286 U. S. 73, decided in 1932), which clause also is the source for the claim that distinctions in voting based on religion or national origin are arbitrary and unreasonable classifications, both as they appear in State laws or in the administration of such laws. Thus, H. R. 627 provides an up-to-date legislative clarification of the federally secured right to vote and specifies civil as well as criminal sanctions for the effective enforcement of this coordinated legislation.

Since the Supreme Court decided the case of *Henderson v. U. S.* (339 U. S. 816), decided in 1950, regarding transportation, and *Brown v. The Board of Education* (347 U. S. 483), decided in 1953, concerning desegregation, any kind of racial and similar segregation and discrimination in interstate transportation appears doomed. It seems only a matter of time until, case by case, all such discrimination is condemned. The duty of Congress to immediately clarify the law and provide civil-rights protection is clear. This is so that the Nation does not have to wait piecemeal, case by case, for the benefits that might be derived from the Court's decision. That, in general, is the purport of the last part of my bill, H. R. 627.

H. R. 259 is a Federal antilynching law; at present, under title 18, United States Code, sections 241, 242, and 371, it is possible to prosecute law-enforcement officers and individuals who conspire with such officers to substitute mob violence for the lawful adjudication and punishment of crime in accordance with due process of law. However, in many cases there is no provable conspiracy with law-enforcement officers and private individuals, thus making it impossible to prosecute members of the lynch mob. It is the purpose of this bill to provide full Federal protection for this despicable crime—a crime which, by its very nature, indicates the breakdown of republican government as guaranteed by the Constitution of the United States. There is no doubt of the constitutionality of this antilynching law as applied to State officials or those who conspire with State officials. I see no constitutional impediment to its application to private individuals who take the law in their own hands and, in effect, to destroy government in a given part of the Nation. But I recognize that this latter is more debatable.

H. R. 628 makes clear that the attempt as well as the completed crime of subjecting another to peonage or involuntary servitude is to be punished.

In conclusion, it is clear that with the exception of certain aspects of the antilynching law, every provision I have offered raises absolutely no legitimate constitutional questions. Furthermore, I think it is clear that there is nothing revolutionary about the legislative program I suppose. It builds on existing civil-rights foundations, closes loopholes in existing laws, clarifies uncertainties in existing law, and provides adequate law-enforcement officials for the effective protection of recognized civil rights. In my estimation, Congress has been somewhat derelict in its duty, on the one hand, to keep civil-rights legislation abreast of the progress of our Nation and, on the other hand, to provide effective enforcement machinery for existing

civil-rights protections. I think the legislation I propose is a step in the right direction toward fulfillment of these duties and I respectfully urge its favorable consideration.

I want to call the committee's attention to the following facts:

The Attorney General of the Department of Justice was invited to come before this committee and present his views; the Attorney General has sent a communication in the form of a letter, giving his views on some of these bills, but he has declined to appear to be cross-examined. Now, the Attorney General's Office of the Department of Justice is the agent primarily responsible for the enforcement of law. I cannot understand why the Attorney General would offer that declination. The Attorney General has stated that he cannot take action in many cases because the existing laws are too weak. Now, if the existing laws are too weak—and we are offering him an opportunity to comment on the proposals to strengthen these laws—it is difficult to comprehend why he would not appear and indicate his views as to what laws are necessary to effectively enforce presently recognized civil rights.

The Interstate Commerce Commission was also invited to appear and that Commission has declined to appear.

The Department of Defense was also invited to appear. The Department of Defense declines to appear.

The Department of Health, Education, and Welfare was invited to appear and that Department declined to appear.

The Department of Labor was invited. As yet there has been no response to the invitation from the Department of Labor.

The General Services Administration was invited to express its views. Thus far there has been no response from the General Services Administration. There has been plenty of time for their response.

The Civil Service Commission was invited to appear. It has respectfully declined to appear.

The Housing and Home Finance Agency of the Government was invited to appear, and I understand that that Department will testify.

Now, any claim by these agencies that these 51 bills, now before you distinguished gentlemen, present an overwhelming and an impossible task is pure deception. Most of these bills are identical. There are at the most 13 different bills as far as substance is concerned, and no more than 10 different proposals. Furthermore, most of these proposals were referred to these agencies for their consideration last winter.

Now, I cannot for the life of me understand why these agencies, which are primarily concerned with legislation of this sort do not appear and testify. The Interstate Commerce Commission should testify with reference to transportation; the Department of Defense, with reference to actions of Defense officials concerning possible segregation. Health, Education, and Welfare—certainly that organization should have responded. The Department of Labor certainly should be present. The General Services Administration should be present, and by all means the Civil Service Commission should have offered to come. But still the only organization that has expressed a willingness to testify is one, a sort of semi-independent administrative agency, the Housing and Home Finance Agency.

Now, I do not like to inject a partisan spirit in these proceedings but apparently the administration wants to eat its cake and have it too. The agencies that I have mentioned in their declination to express themselves on these bills have shown a shocking disregard of their duties. Now, why did they decline? I do not understand, unless it may be they did not want to alienate certain sentiments in certain sections of the country. I am sure they dare not oppose the bills and they are thus timid about any kind of approval. I call that attitude pusillanimous and most unworthy.

I think also it is well to state that the White House has indicated that these issues should be considered on their merits. Well, how can we consider these issues on their merits when we do not get a verbal expression of the viewpoints of the various departments? The officials of these departments should appear before this distinguished group of members of the Judiciary Committee and be questioned so that the issues can be more clearly defined.

I am regretful that I was compelled to inject that last note, but when I received the news from the staff that we got no response with reference to their appearance, I was stunned and surprised.

Mr. MILLER. How many departments appeared and testified in the previous hearing?

Mr. CELLER. How many testified at the other hearing?

Mr. MILLER. How many of the departments testified in the hearings in the 81st Congress?

Mr. CELLER. As far as I know—and that will have to be checked, we have a letter from a number of the departments; I do not know which ones; I did not conduct the hearings.

Mr. MILLER. Did the Attorney General appear and express the views for that Department?

Mr. CELLER. Yes; Attorney General Clark appeared and testified.

Mr. MILLER. I do not see that—

Mr. CELLER. You mean in the last hearing?

Mr. MILLER. The hearing you referred to, that was made a part of the record, on page 80 of the hearings, and in the hearings before Subcommittee No. 3.

Mr. CELLER. I do not know whether other department and agency representatives also appeared.

Mr. MILLER. Of the 81st Congress.

Mr. CELLER. I do not know whether they were invited or not; I could not say. As I say, I did not conduct those hearings. If you say they have not—does anyone know if they were invited?

Mr. MILLER. I was not here.

Mr. CELLER. Of course, as I have been informed, these hearings were on antilynching bills, and it may be that the late lamented Mr. Byrne probably felt that they were not intimately involved with the antilynching, which is not the case here, because the bills cover a much broader field.

Thank you very much, Mr. Chairman.

Mr. LANE. Thank you very much.

Are there any questions by members of the committee?

If not, we thank you very much for your testimony.

Mr. CELLER. Thank you, Mr. Chairman.

STATEMENT OF HON. ADAM CLAYTON POWELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

MR. LANE. The next witness we will have the pleasure of hearing from is another Member of Congress who has been very active on this subject matter, Congressman Adam Clayton Powell, a Representative from New York, who is the author of H. R. 389.

Congressman Powell, we will be very glad to have your testimony and any comments you wish to make for the benefit of the committee.

MR. POWELL. Mr. Chairman and colleagues, I want to thank you for opening up these hearings in this vital field of civil-rights legislation. And while I do not represent my colleagues, I do want to put in the record that the following Members of Congress are working with me on this problem: Congressman Roosevelt, of California; Congressman Barrett, of Pennsylvania; Congressman Davis, of New York; Congressman O'Hara, of Illinois; Congressman Reuss, of Wisconsin; Congressman Chudoff, of Pennsylvania; Congressman Rodino, of New Jersey; and Congressman Diggs, of Michigan; and that we are expanding this group during the recess between the first and second sessions and we hope that by January of next year to have a very favorable group of men in the leadership on both sides of the aisle to back us up in pressing for civil-rights legislation. We are making specific plans around this idea.

I come to testify specifically on H. R. 389, which is a so-called omnibus civil-rights bill. It is a bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States, to insure at least that all persons shall have an equal chance to enjoy the fruits of our great democracy.

I will not take the time of the committee to go through my prepared statement because my bill parallels your chairman's bill, Mr. Celler's, except for one specific section which he did not include in his bill that I have included in my omnibus civil-rights bill, the establishment of a Fair Employment Practice Commission. I believe that a continuation of discrimination in employment in our Nation is a disgrace. In this period when employment is at an alltime high, the problem is one of making sure that the Nation uses all available skills. In a period of low employment, an FEPC will guarantee that unfair layoffs or demotions will not be a means of forcing minority groups into the lowest economic level of the country.

With your permission, Mr. Chairman, I would like to file as a part of my statement the rest of these remarks.

MR. LANE. They will appear in the record.

MR. POWELL. Thank you.

(The statement referred to follows:)

The bill that I have introduced contains safeguards against segregation in housing and in educational institutions that receive Federal funds or assistance. Prompt action by Congress on this phase of the bill would save thousands of dollars that must be spent by taxpayers in suits to prevent discrimination in these fields.

H. R. 389 provides for the establishment of a Civil Rights Division in the Department of Justice. It would also create an investigative staff under the direction of the Civil Rights Division.

In connection with 18 United States Code 241 (the present civil-rights conspiracy statute), H. R. 389 would provide for protecting "inhabitants" instead of the present "citizens," would extend the protection to cover substantive offenses

as well as conspiracies, and would provide for civil damages as well as criminal penalties. It would make the crime a felony where the victim is killed or maimed.

H. R. 389 enumerates the rights protected, including the right to be immune from exactions of fines or deprivations of property without due process of law, the right to be immune from punishment for crime except after a fair trial at which the person is represented by counsel, the right to be free from "third degree" methods, the right to be free from illegal restraint, the right to protection of person and property from discrimination, and the right to vote as protected by Federal law.

In amending title 18 United States Code, section 242 (the present civil rights "color of law" statute), H. R. 389 increases the penalty where the victim is killed or maimed, making the crime a felony. The bill enumerates rights to be protected. The bill lists as rights those enumerated under section 241 and, in addition, the right to be secure in any employment, to conduct business, commerce, or professional activity, to attend school, to utilize public accommodations, to secure, own and live in any residence and to engage in all lawful, social, commercial, educational, political, and entertaining activities free from racial discriminations.

The bill, in listing rights under sections 241 and 242, states that the enumerated rights are in addition to any other rights that may be protected under these sections.

H. R. 389 amends title 18, United States Code, section 1583, to provide that all "holding" of a person in involuntary servitude is punishable. It also makes an attempt to violate this section punishable as well as the completed act.

The bill amends title 18, United States Code, section 594, to cover coercion or intimidation at a primary election. The bill would extend to State and local elections where the coercion or intimidation is based on race.

H. R. 389 strengthens title 8, United States Code, section 31, by providing that no one who is "eligible" to vote in any election shall be denied the right because of race. The present law protects those who are "qualified." The bill also provides that this right to vote can be enforced by an action brought by the Attorney-General.

The bill provides for the elimination of segregation and discrimination in interstate commerce and establishes criminal and civil sanctions against the persons and carriers guilty of such practices.

Mr. POWELL. I would like to say, however, Mr. Chairman, that I am deeply shocked at the revelation just presented to us by our colleague, Mr. Celler, in that all but one of the various Government agencies invited to testify today refused to come, declined, or did not answer.

This legislation before us now is a little bit different than the legislation that was proposed in the 81st Congress when only the Attorney General came and testified. That had to do with antilynching.

Mr. MILLER. That was the hearing held in the 81st Congress.

Mr. POWELL. Yes.

Mr. MILLER. H. R. 115, H. R. 155, H. R. 365, H. R. 385, and these other bills, were regarded as antilynching bills?

Mr. POWELL. They were all antilynching bills?

Mr. MILLER. Every one of them?

Mr. POWELL. Yes. I was the first one, Senator Humphrey and myself, to introduce the omnibus bill. That was in the 81st Congress, and if you will just let me point to provisions in my bill, I can show you why each branch of the Government was invited to appear at these hearings.

The first is the Fair Employment Practice Commission. That would be under Department of Labor.

Second is housing provisions. I understand the Housing Agency will come.

The next is education, having to do with Federal funds, and that would be under Health, Education, and Welfare.

And the next is the protection of men in the Armed Forces; that would be the Department of Defense, and they have indicated to me that they were interested.

The next pertains to rights enumerated under section 241 of my bill, pertaining to the right to secure employment, and conduct business, commerce, and such activities and to utilize public accommodations which would be the Interstate Commerce Commission. This would secure the right to live and travel without discrimination.

Then another one having to do with the right to vote in local elections, which would come under the Attorney General.

Elimination of segregation and discrimination in travel, Interstate Commerce Commission.

Now, up until June 7 of this year executive departments and agencies showed interest. I have copies here of reports from the Department of Justice, signed by the Deputy Attorney General, William P. Rogers, and from the General Services Administration, signed by Edmund F. Mansure, the Administrator, and from the Interstate Commerce Commission, a very fine analysis of my bill, specifically signed by Richard F. Mitchell, Owen Clarke, and Howard G. Freas, the committee on legislation.

But I cannot understand this sudden dropping of the Jim Crow curtain between the legislative branch and the executive branch, especially in view of the fact that Mr. Eisenhower has stated specifically recently that he believed the amendment that I have offered on the floor of the House has been erroneous and extraneous and that these problems which I have raised in the shape of amendments, according to our Chief Executive, should be considered on their merits just as we are trying to do today.

It seems to me that this is a strange and almost pitiful paradox for the Chief Executive of the Government to say that we should do what we are doing and then for every member of the executive branch to decline, one way or the other to come before the committee and testify, except the Housing and Home Finance Agency.

I think the committee should go into this particular problem, possibly before considering legislation, right now to find out who dropped this Jim Crow curtain between the legislative and executive departments, and maybe we could find out, using the powers we have in the legislative branch, who is back of this. It is evidently not a haphazard occurrence. I am sure it is not something that just occurred by chance. When all the agencies of the Government act together somebody is directing it, and I think we should find out who it is.

I have been in the House 12 years and I have never seen an agency of the Government yet refuse to testify before a committee on legislation affecting that particular branch of the Government. It shows a cheap regard for the legislative branch of the Government. Maybe we have earned this cheap regard by reason of not having done anything in this field.

Also, speaking not as a Congressman but as a Negro, it is almost an insult to my people who are so vitally concerned with this that we have an executive branch of government that has done so much in this field up until this year and then this year, all of a sudden, inexplicable things begin to occur which are not consonant with prior

contributions made. I think this is a matter that should be looked into very definitely by the committee. Maybe the agencies cannot come before you and testify. Maybe on cross-examination certain things would be brought out showing that somewhere down the line the orders are not being followed that came from the top. We have excellent orders from our Chief Executive, but down the line if you get some of these heads before you and they are questioned, I am sure you will find out these orders are not being followed.

Mr. BURDICK. Will the gentleman yield?

Mr. POWELL. I shall be happy to.

Mr. BURDICK. What specific acts do you have in mind on which you base your opinion that within the last year there has been a change of policy?

Mr. POWELL. I have many.

Mr. BURDICK. Give us just a few.

Mr. POWELL. I will give you one. We have been proceeding along with integration in the Armed Forces with tremendous success. I have made a tour of the theaters in Europe and the Far East and have found integration very firm. But I found, and so reported to President Eisenhower, that the integration stops when it gets to the sergeants. I furnished reports from commanders showing there is tremendous integration among privates, corporals, and the first grade of sergeants, but after that it stops. I was able to get an order signed by a commander at Fort Bliss, Tex. It came to me by not too honest means but inasmuch as I did not ask for it my conscience is salved. Someone stole off the bulletin board at Fort Bliss, Tex., an order signed by the commander and mailed it to me anonymously last August in which the commander invited men desiring to serve in military detachments in Europe to come forward immediately; then in bold letters across the bottom "For Caucasians only."

I sent this direct to the Defense Department because I knew it was a violation of the order. After two letters, two phone calls, and a telegram, covering 4 months, I received an acknowledgment; that is all.

I then took the matter up with the White House and they put pressure on. That matter is still unresolved. A year has passed. You cannot order an integrated Armed Force and then allow a commander to post notices for whites only or for Negroes only or Mexicans or what not.

Another thing that was brought out last year is that at the Pentagon there is a definite freeze of Negro workers around grade 6. There is nothing new in this. There has been discussion back and forth between the Pentagon, the White House, and myself for a year or more.

At grade 6 there is a freeze. From then on the Negroes do not get promoted. I have talked to Mr. Nixon about it, and I have talked to the President about it.

Mr. BURDICK. There is no law preventing their getting higher positions?

Mr. POWELL. No. That is what we should question the Civil Service Commission about. Why is it at grade 6 they are left at the post while their white coworkers who started with them move into the higher grades? Maybe that is why the Civil Service Commission does not want to come here.

So I think, very frankly, that more important than the legislation which I came to testify about today is this statement of Mr. Celler's that these agencies have refused to come.

Mr. LANE. Congressman, I think we can tell you better tomorrow. We are setting the hearing tomorrow to hear them. If they show up, then we will have the answers.

Mr. POWELL. I would like to say finally that until we get some legislation in the field of civil rights out of committee—and it is not only the Judiciary Committee; my own committee, Education and Labor, has FEPC bills before it and cannot even hold hearings on them. Until we can get these bills out, the only thing left for those of us who believe in a united America to do is to continue to offer amendments on the floor, just as I intend to offer one to the Federal aid to education bill today, and just as I intend to offer one to the Federal Housing Act next week. That is the only recourse left to us. I would much rather see these matters come out of committee, but until they do I have no other course left for me to follow.

I appreciate this opportunity to come before you.

Mr. LANE. Would you care to have those letters you referred to made a part of the record?

Mr. POWELL. Yes.

(The letters referred to are as follows:)

GENERAL SERVICES ADMINISTRATION,
Washington, D. C., May 31, 1955.

Re H. R. 389 and H. R. 702

HON. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN CELLER: Further reference is made to your letters of February 24, which requested an expression of the views of GSA on H. R. 389, a bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States, and H. R. 702, a bill to protect the right of individuals to be free from discrimination or segregation by reason of race, color, religion, or national origin.

These two bills are very similar in their provisions which would eliminate the last vestiges of discrimination or segregation by reason of race, color, religion, or national origin, and would protect the civil rights of all persons within the United States. These bills make provision for the amendment and extension of Federal statutes heretofore passed seeking to prohibit discrimination and to uphold civil rights.

H. R. 702 would specifically make unlawful the requirement of a payment of a poll tax as a prerequisite for voting in a primary or other elections for national officers.

Both bills provide for nonsegregation in housing, education, and employment. These bills also provide for the establishment of a commission for the administration of such law, as well as the appointment of an additional Assistant Attorney General, with adequate staff, for the purpose of preserving and enforcing civil rights.

Attention is invited to the fact that the President of the United States, on January 18, 1955, issued Executive Order 10590, for the purpose of establishing the President's Committee on Government Employment Policy. The President of the United States set up a committee for the purpose of carrying out the provisions of this Executive order, which reports directly to the President. Paragraph 2 of Executive Order 10590 " * * * excludes and prohibits discrimination against any employee or applicant for employment in the Federal Government because of race, color, religion, or national origin; and * * *"

This committee was established at Presidential level to have increased stature over the Fair Employment Board which has been abolished. It is believed that this action on the part of the administration will be very effective in achieving fair employment policies as sought by these bills.

On February 3, 1955, GSA further revised its nondiscrimination in employment clause, and notified the heads of all Federal agencies that all Government contracts must contain the following language:

"In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation, and selection for training, including apprenticeship."

From the above it will be noted that GSA favors the objectives of legislation of this type. However, since it is believed that these results can also be achieved through administrative action, GSA has placed in effect nondiscrimination policies in the performance of its functions.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Cordially yours,

EDMUND F. MANSURE, *Administrator.*

JUNE 7, 1955.

Re Hon. A. C. Powell's bill H. R. 1600.

Hon. OMAR BURLESON,

*Chairman, Committee on House Administration,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This will refer to your letter to the Attorney General requesting our viewpoint on the poll-tax question and requesting also an opinion as to whether the abolition of State poll-tax requirements may be accomplished only by constitutional amendment.

There are presently five States which require the payment of poll taxes as a prerequisite to voting. These are Alabama, Arkansas, Mississippi, Texas, and Virginia. The Department of Justice is in favor of whatever Federal action may be within the constitutional jurisdiction of the Congress to effect the elimination of poll taxes.

As for the constitutional question which you pose, I regret to advise you that the Department cannot furnish the desired opinion. Quite apart from the fact that there are sound legal arguments which may be made on both sides of this controversial issue, the Department has for many years taken the position that the statutes which set forth the powers of the Attorney General in the matter of giving opinions do not authorize, empower, or require the Attorney General to give opinions to committees of Congress on the constitutionality of either pending or enacted legislation. This position seems as sound now as when it was first stated, constitutional questions being best left to the judiciary for decision.

I am confident you will agree that the Attorney General should not depart from the long-established policy in this instance.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

INTERSTATE COMMERCE COMMISSION,
Washington 25, June 8, 1955.

Hon. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

DEAR CHAIRMAN CELLER: Your letter of February 25, 1955, requesting an expression of the Commission's views on a bill, H. R. 389, introduced by Congressman Powell, to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States, has been referred to our Committee on Legislation. After careful consideration by that committee, I am authorized to submit the following comments in its behalf:

As stated in its title, the purpose of H. R. 389 is to provide means of further securing and protecting civil rights. The bill is divided into two major divisions, title I and title II, each of which, in turn, is subdivided into parts. Title I contains provisions designed to strengthen the Federal Government machinery for the protection of civil rights by providing in part 1 thereof for the establishment

of a Commission on Civil Rights in the executive branch of the Government, and in part 2 for the establishment of a Civil Rights Division in the Department of Justice. Title II, of the bill, which is divided into seven parts, contains provisions which are intended to strengthen the protection of an individual's rights to liberty, security, and citizenship and its privileges, and to that end part 1 thereof would amend and supplement the existing civil-rights statutes. Part 2 would amend and supplement the existing Federal statutes relating to intimidation of others and the right to vote, part 3 would prohibit discrimination or segregation in interstate transportation, part 4 would afford protection against lynching, part 5 would prohibit discrimination in employment, part 6 would prohibit discrimination and segregation in housing, and part 7 would prohibit discrimination in education.

Many of the provisions of H. R. 389 do not pertain to the jurisdiction or functions of this Commission, but relate to matters upon which we are not qualified to express a helpful opinion based on our experience in the regulation of transportation. Our comments, therefore, shall be confined to those provisions which relate to transportation or are otherwise applicable to the Commission.

Under the provisions of section 103 (a) of the bill, the Commission on Civil Rights, which would be created under the provisions of section 101, would be authorized to utilize to the fullest extent possible, the services, facilities, and information of other Government agencies, and the agencies would be directed to cooperate fully with the new Commission in this connection. While we have no objection to such a provision, we wish to point out, as we have previously done with respect to similar provisions in other proposed legislation, such as that proposing the establishment of a Commission on Area Problems of the Greater Washington Area, that this Commission would not be in a position with its present staff and without additional funds, to furnish an unlimited amount of information, or to place its facilities and services at the unlimited disposal of the new Commission.

Section 221 (a), part 3, title II, provides that all travelers "shall be entitled to the full and equal enjoyment of the accommodations, advantages, and privileges of any public conveyance operated by a common carrier engaged in interstate or foreign commerce, and all the facilities furnished or connected therewith * * * without discrimination or segregation based on race, color, religion, national origin, or ancestry." Subsection (b) of section 221 would make it a misdemeanor for anyone, whether acting in a private, public, or official capacity, to deny or attempt to deny any traveler such accommodations, advantages, or privileges for any such reason, or to incite or participate in such denial or attempt, and provides penalties therefor and other relief. Section 222 would similarly make it a misdemeanor for any such common carrier, or any of its officers, agents, or employees to segregate or attempt to segregate or otherwise discriminate against passengers using any of its public conveyances or facilities on account of race, color, religion, national origin or ancestry, and would likewise provide penalties and other relief for violations.

Under section 3 (1) of the Interstate Commerce Act, it is now unlawful "for any common carrier * * * to make, give, or cause any undue or unreasonable preference or advantage to any particular person * * * or to subject any particular person * * * to any undue or unreasonable prejudice or disadvantages in any respect whatsoever." This provision relates principally to rail carriers. There are similar provisions in other parts of the act applicable to motor and water carriers and freight forwarders.

Soon after the Interstate Commerce Commission was established in 1887, it was called upon to decide whether the provision above quoted prohibited the railroads in certain sections of the country from requiring that Negro and white passengers occupy separate coaches and other facilities, as they were compelled to do by such statutes in a number of States. In all such cases, which have become increasingly numerous and complicated in recent years, the Commission has limited its inquiry to the question whether equal accommodations and facilities are provided for members of the two races, adhering to the view that the Interstate Commerce Act neither requires nor prohibits segregation of the races.

In *Plessy v. Ferguson* (163 U. S. 537 (1896)), the Supreme Court of the United States held that a Louisiana statute requiring railroads carrying passengers in their coaches in that State to provide equal, but separate accommodations for white and colored races in the form of separate or divided coaches was not in conflict with the provisions of either the 13th or the 14th

amendment to the Constitution of the United States The Court concluded (pp. 550-551):

"* * * we cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable, or more obnoxious to the 14th amendment than the acts of Congress requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned, or the corresponding acts of State legislatures."

Earlier in that decision the Court had stated (p. 544):

"* * * Laws permitting, and even requiring their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally if not universally, recognized as within the competency of the State legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which has been held to be a valid exercise of the legislative power even by courts of States where the political rights of the colored races have been longest and most earnestly enforced."

In the recent decision of *Brown v. Board of Education* (347 U. S. 343 (1954)) and the related cases decided in the consolidated opinion of May 17, 1954, the Supreme Court quoted with approval the language of the Kansas district court as follows:

"Segregation of white and colored children in public schools has a detrimental effect upon the colored children. This impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. * * *"

The Court went on to say:

"Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority. Any language in *Plessy v. Ferguson* contrary to this finding is rejected.

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

In docket No. 31423, *National Association for the Advancement of Colored People et al. v. St. Louis-San Francisco Railway Company et al.*, which is now pending before the Commission, we are asked to rule whether the provision of separate but equal transportation facilities violates section 3 of the Interstate Commerce Act or the Constitution, and in docket No. MC-C-1564, *Sarah Keys v. Carolina Coach Co.*, which is also pending before the Commission, we are asked to rule whether such provision violates section 216 (d) of the act.

In view of the pendency of the above-mentioned proceedings, we believe it would be inappropriate for us to express any opinion in regard to the provisions of sections 221 and 222 of the bill.

Section 236 of part 4 of title II of the bill would extend the provisions of the Federal kidnapping laws to include knowingly transporting, or causing to be transported, in interstate or foreign commerce any person unlawfully abducted and held because of his race, color, religion, national origin, or ancestry, or for purposes of punishment, correction, or intimidation. The inclusion of the word "knowingly" in this proposed provision appears to be sufficient to relieve interstate carriers of liability thereunder unless they knew they were committing an offense.

Section 241 of part 5 of title II would amend title 29 of the United States Code by adding thereto, as chapter 9, provisions prohibiting discrimination in employment. This proposed new chapter would be known as the "Federal Fair Employment Practice Act." Attention is called in this connection to the fact that title 29 of the code already contains a chapter 9, entitled "Portal-to-Portal Pay." It is therefore suggested that the figure "9" in line 8, page 22 of the bill, be changed to "10."

Section 5 of the proposed new chapter would make it an unlawful employment practice for any employer as defined in section 3 (c) thereof, including any agency or instrumentality of the United States, to refuse to hire, to discharge, or otherwise discriminate against any individual respecting the terms, conditions, or privileges of his employment because of his race, color, religion or national origin, or to utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school or center, labor organization, or any other source which so discriminates against individuals. It would also be made unlawful under this provision for any such

employer or employment agency to print, circulate, or cause to be printed or circulated, any statement, advertisement, or publication, or to use any form of application for employment or to make any inquiry in respect of prospective employment which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, or national origin, or to attempt to make any such limitation, specification, or discrimination, unless based on a bona fide occupational qualification.

Subsection (d) of proposed section 5 would make it an unlawful employment practice for any employer, labor organization, or employment agency to discharge, expel, or otherwise discriminate against any person because of his opposition to any unlawful employment practice or because of his filing a charge, testifying, participating, or assisting in any proceeding under the proposed new chapter.

We wish to state in this connection that it is the policy of this Commission to appoint the most qualified persons available to fill all vacancies regardless of race, color, creed, or ancestry, and promotions are made on the same basis. The Commission would not consider separating an employee from the service for any reason except for such cause as would promote the efficiency of the service, or in an orderly reduction in force where retention rights are determined by length of service, permanent status, veteran's preference, or other legitimate factors.

Under the provisions of section 5 (e) it would be an unlawful employment practice for any person to aid, abet, incite, compel, or coerce the doing of acts forbidden in the proposed amendments.

Section 5 of the proposed new chapter would create in the executive branch of the Government a new commission, to be known as the Fair Employment Practice Commission, composed of five members to be appointed by the President with the advice and consent of the Senate. Although the bill provides that the President shall designate one of its members to serve as Vice Chairman, it does not specify the manner in which the Chairman shall be designated or selected.

The principal office of the new Commission would be located in the District of Columbia, but the commission would be authorized to meet or exercise any or all of its powers at any other place. It would also have the power to establish such regional offices as it may deem necessary. In addition, the Commission or any one or more of its members or agents would have authority to conduct such investigations, proceedings, or hearings as would be necessary in the performance of its functions anywhere in the United States, except that any such agent, other than a member of the Commission, would be required to be a resident of the judicial circuit in which the alleged unlawful employment practice occurred.

Sections 7, 8, and 9 of part 5 describe in full the powers and duties of the new Commission, the rights of the parties, and the procedures to be followed upon the filing of a sworn or written charge alleging unlawful employment practices. Provision is also made therein for judicial review of the Commission's orders, including enforcement thereof and other relief, and the procedure to be followed by the courts in such cases. Section 10 (c) provides, however, that the provisions of section 8 respecting judicial review of the Commission's orders shall not apply to an order of the Commission directed to any agency or instrumentality of the United States or any Territory or possession thereof, or of the District of Columbia, or any officer or employee thereof. It provides, instead, that the Commission may request the President to take such action as he may deem appropriate to obtain compliance with such order.

Proposed section 10 (a) would confer upon the President authority (1) to take such action as may be necessary to conform fair employment practices within the Federal establishment with the policies set out in the proposed new chapter, and (2) to provide that any Federal employee aggrieved by any employment practice of his employer must exhaust the administrative remedies prescribed by Executive order or regulations governing fair employment practices within the Federal establishment prior to seeking relief under the provisions of the proposed new chapter.

The civilian employment practices of this Commission and other Federal departments and agencies are now governed in this respect by the provisions of Executive Order No. 10590, dated January 18, 1955 (which established the President's Committee on Government Employment Policy), and regulations issued pursuant thereto. Prior to that time the departments and agencies were governed by the provisions of Executive Order No. 9880, dated July 26, 1948 (which provided for the establishment of the former Fair Employment Board in the Civil Service Commission), and the regulations issued thereunder. Whether or not the provisions of part 5 of the bill should be made applicable to

the Federal departments and agencies, in addition to the Executive order now in force, is a matter of broad congressional policy on which we take no position

Subsection (b) of proposed section 10 would authorize the new commission to act against any State or local government or any agency, officer, or employee thereof who commits an unfair labor practice as described in the proposed new chapter, but subject to the provision that the aggrieved employee must first exhaust the administrative remedies prescribed by the State or local government involved before seeking relief under the proposed new chapter. We find it difficult to reconcile this provision with section 3 (c) of part 5 which, in defining the term "employer," specifically excludes States and municipalities, and their political subdivisions. It is also noted in this connection that section 7 (a) provides, among other things, that the new commission shall have the power to prevent any "person" from engaging in any unlawful employment practice. The term "person," however, as defined in section 3 (a) does not include State or local governments, or agencies, officers, or employees thereof.

Section 11 would require the posting of notices by employers and labor organizations setting forth excerpts from the proposed new chapter and other relevant information, and provides a penalty of not more than \$500 for willful violations. Section 12 provides that nothing in the proposed new chapter shall be construed as repealing or modifying any Federal, State, Territorial, or local law creating special rights or preference for veterans, and section 13 would grant the new commission authority to issue, amend, or rescind suitable regulations for carrying out the provisions of the new chapter. Under the provisions of section 14 anyone forcibly resisting, opposing, impeding, intimidating, or interfering with a member, agent or employee of the commission in the performance of his duties, or because of such performance, would be subject to a fine of not more than \$500 or imprisonment for 1 year, or both. Section 15 contains a saving clause providing that in the event any provision of the proposed new chapter, or the application thereof, should be held to be invalid, the remaining provisions thereof shall not be affected by such holding.

Section 242 of the bill, which is also included in the provisions of part 5, proposes to amend section 34, title 41, of the United States Code, by adding thereto a new "subdivision (f)" providing that all persons employed by the contractor in the manufacture or furnishing of materials, supplies, articles, or equipment used in the performance of any contract will be employed without regard to discrimination because of race, color, religion, or national origin, and that no person shall be denied employment or, if employed, subjected to discriminatory practices for any such reason. We wish to point out in this connection that section 34 of title 41 was omitted from the 1952 edition of the code as having been fully executed. It appears, however, that this proposed amendment was intended as an addition to section 35 of title 41, which relates to contracts for the manufacture or furnishing of materials, supplies, etc., to Government departments and agencies. It is therefore suggested that the figure "34" appearing in line 18, page 43 of the bill, be changed to "35." This proposed provision also involves a matter of broad congressional policy on which we take no position.

The other provisions of H. R. 389 do not pertain to the jurisdiction or functions of this Commission and for that reason we are not in a position, as hereinbefore stated, to offer any helpful suggestions or comments with respect thereto.

Respectfully submitted.

RICHARD F. MITCHELL,
Chairman, Committee on Legislation.
OWEN CLARKE.
HOWARD FREAS.

Mr. LANE. Any questions?

Mr. MILLER. Inasmuch as you brought up the question of whether or not these agencies were requested to appear in the 81st Congress, during that Congress there was introduced and hearings were held on H. R. 4682, which was not an antilynching bill.

Mr. POWELL. It was a Department of Justice bill just the same.

Mr. MILLER. It was a complete civil-rights bill, however, and that was one of the bills upon which hearings were held in the 81st Congress, and there is no indication in the record of any of the departments at that time appearing. For what reason, I do not know

Mr. POWELL. There is no excuse for it then or now.

Mr. MILLER. I would further like to state that I would hesitate to think you could seriously contend, on the basis of the instance you cited, that there has been a "Jim Crow" curtain dropped between the legislative and executive departments. As we know on Capitol Hill, we cannot always control the members of our staff, and you cannot charge the President with having changed his policy—

Mr. POWELL. I am not charging the President.

Mr. MILLER. Or the administration because a commanding officer at one camp in the country violated an order. The President very recently appointed a member of your race to the White House staff.

Mr. POWELL. Yes, Eddie Murrow, a good friend of mine. He will be a fine addition to the staff. I am making no charge against President Eisenhower. He is a man of tremendous human instincts. But I have the feeling that someone somewhere is pulling the rug out from underneath a great man. I have other facts to substantiate this. Perhaps other witnesses will come forward and bring out more facts, such as Mr. Mitchell of the NAACP, but some of the instances were reported to me in confidence.

Mr. LANE. Any further questions?

Thank you very much for appearing before us this morning.

Mr. POWELL. Thank you.

Mr. LANE. The next witness is Congressman Earl Chudoff of Pennsylvania. Is he here?

Mr. BRODEN. Mr. Chudoff called and said he was in an important subcommittee meeting and it was impossible for him to be here.

Mr. LANE. The next witness is Congressman Isidore Dollinger of New York.

(No response.)

Mr. LANE. The next witness is Congressman Barratt O'Hara of Illinois.

Miss MARIE CROWE. Mr. O'Hara is in an executive session of the Banking and Currency Committee and he asked me to say he would not be here because his committee is still in session and he cannot get away.

Mr. LANE. The next witness is Congressman Irwin D. Davidson of New York.

Mr. BRODEN. Mr. Davidson called and said he is testifying in a Senate hearing and will come as soon as he concludes his testimony there.

Mr. LANE. The next witness is Congressman Charles C. Diggs, Jr., of Michigan.

(No response.)

Mr. LANE. The next witness is Congressman Henry S. Reuss of Wisconsin.

Mr. BRODEN. Mr. Reuss called and said he would be unable to appear but he will submit a written statement for the record.

Mr. LANE. The next witness is Congressman James Roosevelt of the State of California and I see the Congressman is here, prompt as he always is. We are pleased to have him here as a witness on his bills, H. R. 3472, H. R. 3474, H. R. 3475, H. R. 3476, H. R. 3478, H. R. 3480, and H. R. 3481.

Thank you for coming here, Congressman. We appreciate having you here for your valued assistance on these bills before the committee for consideration.

**STATEMENT OF HON. JAMES ROOSEVELT, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. ROOSEVELT. Thank you very much, Mr. Chairman and members of the committee.

The privilege of appearing before this committee in support of these measures is very much appreciated. I would not take your valuable time, knowing of your crowded schedule, if this legislation did not mean so much to me personally and the splendid American citizens I have the proud honor to represent.

In the course of his opposition to the elimination of segregation in the National Guard, the President proposed that this and other civil rights measures should be considered by Congress on their own merits.

Following this, the President met with Republican congressional leaders and submitted a list of legislation that he felt Congress should take action on prior to adjournment. Notable by its absence from this list was any reference to civil rights legislation.

Evidently in the President's estimation the battle for equality for all American citizens has a lower priority than the building of an atomic ship, which was included in his "must" legislation.

In his request for funds to build such a ship, the President stressed the impression that could be made by sending it around the world to demonstrate the material advances that could be made by peaceful use of the atom.

But the world is not looking to the United States for leadership in material advances. It knows that we have the scientific knowledge, the technological knowledge, and the business knowledge to put us in the forefront of material progress. What the world is looking for is some indication that we are able to supply the moral and spiritual leadership for free men everywhere.

It has been said time and time again, and truly, that the present world struggle is a struggle for the minds of men. This will not be won by atomic ships or by huge military reserves, but by an adherence to a philosophy of life that recognizes the inherent dignity of each individual, without regard to such superficial factors as race or color. Passage of legislation by the Congress of the United States that would really guarantee to each citizen the equality promised by the Constitution would do more to win the world battle of ideas than all the military or atomic legislation it has already passed.

The President has failed, I believe, to supply the leadership in this area, which is so vital to our conduct of international relations. And that does not subtract in any way from the individual cases where, as Mr. Powell has stated to the committee, he has shown his true interest. It is incumbent on Congress, therefore, acting on its own initiative, to enact some significant civil rights legislation that will demonstrate to the world our dedication to the principle of equal treatment of all persons.

Civil rights statutes now on the books date back to the post-Civil War period. No civil rights legislation of major importance has passed Congress since that time. Even that which was passed in this faraway period has been emasculated by congressional repeal or judicial interpretation. At the present time our law-enforcement agencies are operating under inadequate, antiquated laws, ill fitted to present-day conditions. It is a little wonder, therefore, that a civil rights conviction is an occasion of surprise and delight in the Department of Justice.

In the well-known Screws case, decided by the Supreme Court in 1945, the Court interpreted the word "willful" in 18 U. S. C. 242 in such a manner as to make a conviction nearly impossible. Under this interpretation, a law officer who takes a life without cause, beats, assaults, or otherwise mistreats a person in his custody is not guilty of a Federal offense unless he had the specific intention to deprive the victim of his constitutional rights. This requirement in most cases so confuses a jury that it is reluctant to convict. If the protected rights were specifically enumerated in the statute, this obstruction to justice would be removed.

To do this and to bring these statutes up to date to fully protect our citizens from brutality by law officers, disenfranchisement based on race, the third degree method, unlawful invasions of their personal and property rights, enforced labor and other deprivations of their constitutional rights, I have introduced H. R. 3474, 3476, 3481, and 3472.

To assure that these laws will be properly enforced, and that continuing study will be made of the need for further action in the field of civil rights, I have introduced legislation to expand and raise in status the Civil Rights Section of the Department of Justice, to establish a Commission on Civil Rights in the executive branch of Government and a Joint Congressional Committee on Civil Rights. H. R. 3475 and H. R. 3478 would accomplish these objectives.

To protect our citizens from mob violence I have sponsored H. R. 3480, the antilynching bill.

To those who would hold say that this legislation is unnecessary, I would point out the bomb killing of Mr. and Mrs. Harry Moore in Mims, Fla., and the shotgun murder recently of Rev. George Lee in Belzoni, Miss.

Mr. Moore was one of the leaders of the NAACP in Florida. Because of his effective leadership and the results he was obtaining, he became a marked man. His elimination was decided upon by anti-civil rights forces. One evening his home was blown up and he and his wife were killed.

The State was unable or unwilling to take action. Because of the limited jurisdiction of Federal law, the FBI was powerless to intervene. The perpetrators of this heinous crime are still free to select their next victim.

In at least one State all sorts of pressures are being directed toward colored citizens to prevent their registering to vote or to force them to withdraw their names from the voting lists. Employees are fired; homeowners are having mortgages foreclosed; farmers are denied credit; professional men have their clients intimidated into going elsewhere for services. And most importantly, threats of violence and

acts of violence are directed against those who refuse to give up their constitutional rights. Reverend Lee was one of these. He was one of the first colored voters in his county to register and he urged other colored citizens to do likewise. For this he was threatened, and for defying the threats, he was killed.

The local authorities attempted to classify his death an accident. When irrefutable evidence made this whitewash impossible, they instituted a half-hearted attempt to investigate. Nothing has come of this investigation.

The FBI was able to intervene in this case because it involved voting rights. But even should it uncover the criminals, conviction is doubtful because of the inadequacies of existing civil-rights laws already mentioned.

Mr. Hodding Carter, Mississippi editor, recently warned of the possible return of the hooded mob in the fight against integration. His warning was well timed. In July of this year a mob of masked men broke up an interracial religious meeting at Southern Union College in Alabama. The mob threatened that unless those people were off the campus in 30 minutes, they would blow up the institution. Past history emphasizes that such threats are not idle talk. Unless legislation directed against such mob violence is passed, this occurrence will be repeated many times. Gentlemen, with the President of the United States going to the summit conference, this is the kind of thing which in my opinion makes his job not only hard but takes away much of the force of our leadership throughout the world.

The forces of reaction, blind prejudice and violence are unfortunately most vocal. It is not the time to outtalk them; in fact, this is unnecessary. The only answer we can give is to act, in accordance with the principles of American democracy, to guarantee as far as is humanly possible, the rights of each individual under our flag.

For this reason, I have sponsored and ask Congress to pass the legislation I have outlined.

I would like to draw particular attention to H. R. 3475, to establish a Commission on Civil Rights in the executive branch of the Government. I am sure that the members of this committee know that there is today, under the President's leadership, a more or less informal but I think fairly effective committee—it so happens that my younger brother is a member of that committee—which is trying to do the job, but the committee is not backed up by the sanction of the Congress and not directed by the Congress, and it seems to me it would be more effective in its service if it could have the sanction of congressional action.

I appreciate the privilege of being here and presenting these views.

Mr. LANE. Thank you. Any questions?

Mr. FORRESTER. I would like to ask the Congressman a question or two.

Mr. LANE. Congressman Forrester.

Mr. FORRESTER. I would like to ask the gentleman to elaborate on what he said in his discussion regarding the removal of the word "willful" from a criminal statute. Did I understand correctly that the gentleman would remove the word "willful" from a criminal statute?

Mr. ROOSEVELT. As I understand the interpretation given by the Court in the Screws case, it must be shown that the act of assault or battery that was committed must also have added to it the willful desire to deprive a man of his constitutional rights. In other words, the act itself was not enough. To that there has to be added the willful desire to deprive somebody of his constitutional rights. Taking the ordinary law-enforcement officer, acting in the kind of case referred to here, it would be impossible to prove he had a willful desire to deprive the victim of his constitutional rights because such officers and, for that matter, few persons know all the constitutional rights.

Mr. FORRESTER. Is the gentleman a lawyer?

Mr. ROOSEVELT. Unfortunately not. I went to law school but I am not a lawyer.

Mr. FORRESTER. I think it is unfortunate, too. Did the gentleman know that willfulness is an indispensable ingredient to a criminal offense?

Mr. ROOSEVELT. But should it not be to the act of brutality?

Mr. FORRESTER. Is not an assault punishable under the crime of assault and battery?

Mr. ROOSEVELT. Under the State law, but it does not permit the Federal authority to be exercised.

Mr. FORRESTER. Would the the gentleman like the Federal Government to prosecute assault and battery cases?

Mr. ROOSEVELT. Where the act was done under the kind of prejudice referred to here, I think so, and I think it could be reworded to say it was willfully done without the technical words that he was being deprived of this constitutional rights; if it could be simply that it was done primarily because the color of the victim's skin was different.

Mr. FORRESTER. Is not the gentleman saying a man could be prosecuted twice for the same offense?

Mr. ROOSEVELT. No.

Mr. FORRESTER. The gentleman knows assault and battery is punishable under the law of every State?

Mr. ROOSEVELT. Yes, but I also know that where the law is not enforced the only way to prosecute these people is to have a Federal statute.

Mr. FORRESTER. Do I understand the gentleman to say that the States will not enforce their laws on assault and battery?

Mr. ROOSEVELT. I think there is a fairly long list of cases where there has been no action whatsoever on the State level.

Mr. FORRESTER. Would not the gentleman operate on the idea that perhaps sometimes the accused can prove he is not guilty?

Mr. ROOSEVELT. I certainly would not deny that, but what I am referring to is a different situation from not finding him guilty.

Mr. FORRESTER. Do you think he should be brought to trial where the prosecuting authorities are convinced he is not guilty or where the prosecutor cannot prove guilt beyond a reasonable doubt?

Mr. ROOSEVELT. No, but I think the determination is sometimes not based on whether he is guilty or not.

Mr. FORRESTER. The gentleman will appreciate the only way the Federal Government could take cognizance of any offense would be where it is a violation of a Federal law?

Mr. ROOSEVELT. That is correct.

Mr. FORRESTER. Surely the gentleman knows that the Federal Government cannot interfere with ordinary cases that are State cases unless there is some constitutional offense involved. Would that not be the very ground of a prosecution of that kind?

Mr. ROOSEVELT. Yes, sir. I think we go back to the constitutional provision that each person shall be treated according to his constitutional rights.

Mr. FORRESTER. And the gentleman would be willing to strike that word "willful" from the statute?

Mr. ROOSEVELT. I did not say strike it, but reword it.

Mr. FORRESTER. To do that you would have to strike it, would you not?

Mr. ROOSEVELT. No; I think you could reword it. Not being a lawyer I am not prepared to suggest the rewording.

Mr. FORRESTER. But you would change its meaning.

Mr. ROOSEVELT. As construed in the Screws case, yes.

Mr. FORRESTER. You would deprive the defendant of the defense that he did not willfully do it?

Mr. ROOSEVELT. I think you misinterpreted my position.

Mr. BURDICK. Will the gentleman yield?

Mr. ROOSEVELT. I shall be happy to.

Mr. BURDICK. In most courts I have been in, the instruction given by the court before the jury retires in regard to willfulness is this: "I hereby instruct you that willfulness may be inferred from the overt acts proved." If all courts would interpret that rule in that fashion it would cover the obstacle you are up against, but some courts do not hold that.

Mr. BOYLE. I think if you want to be fair to all the facets, as I get the testimony of the Congressman he has no quarrel with the proposition that in assault and battery there is an intentional hitting or beating or pushing or shoving of an individual. He thinks, as I interpret the Screws case, that when you add to the assault and battery not only the intention to injury but also the intention to deprive the victim of his constitutional rights, you are reading into the law something that does not exist. The assault and battery is merely the intentional injury of a person. But if you go ahead and say in addition to that there should be the further element superimposed on that that the individual not only intended the willful assault and battery but should be alive to the proposition that his conduct is knowingly robbing the individual of his constitutional rights, it seems to me that was the superimposition of an element that was read into the law by judicial pronouncement and it was not in the law.

Mr. FORRESTER. I appreciate the gentleman's observation, but I think the only way we could construe the remarks of the gentleman from California is that the Government should not be compelled to prove beyond a reasonable doubt that the defendant intended to willfully deprive a man of his constitutional rights. No matter what is said here, the result would be to try a person twice for the same offense.

Mr. ROOSEVELT. If I may say so, I think Mr. Burdick, because of his great wisdom, has expressed my point of view exactly.

Mr. FORRESTER. I do not think so, for the court always instructs the jury substantially as Mr. Burdick said, in every criminal case.

Mr. BURDICK. I did not venture my remarks to convince you.

Mr. FORRESTER. What Mr. Burdick did was tell you what the court would charge the jury in every criminal case.

Mr. ROOSEVELT. If it could be written so that it could be interpreted that way automatically, I think the harmful decision rendered in the Screws case could be eliminated and we could have proper enforcement of the Federal statute.

Mr. FORRESTER. The law is and has been that the judges in criminal cases would charge the jury as suggested by the gentleman from North Dakota.

There is another question I would like to ask the gentleman. I noted with interest that you brought up the Moore case in Florida. What were those persons' names?

Mr. ROOSEVELT. Mr. and Mrs. Harry Moore.

Mr. FORRESTER. Was it Harry Moore?

Mr. ROOSEVELT. As I understand it.

Mr. FORRESTER. Do you know what his wife's name was?

Mr. ROOSEVELT. No; I did not know them personally.

Mr. FORRESTER. Maybe I can refresh your recollection. Was her name Harriet Lucy Moore?

Mr. ROOSEVELT. I believe I read that.

Mr. FORRESTER. Does the gentleman know, and can the gentleman tell me, if Harriet Lucy Moore lived in California before moving to Florida?

Mr. ROOSEVELT. I believe she did live there for some time, but I do not know the details.

Mr. FORRESTER. Can the gentleman tell me whether she did or did not live in the State of California immediately prior to moving to the State of Florida?

Mr. ROOSEVELT. No, I would not be able to say so factually. I would have to check it.

Mr. FORRESTER. Can the gentleman enlighten me as to whether Harriet Lucy Moore, at the time she lived in the State of California, was or was not a Communist?

Mr. ROOSEVELT. That I could not. I do not know of any trial of Mrs. Moore that showed she was a Communist or not.

Mr. FORRESTER. The gentleman has shown an unusual interest in this case and I was wondering if the gentleman had looked on the list of the California Un-American Activities Committee and is aware of the fact that a woman by that identical name was designated by the State of California as a Communist?

Mr. ROOSEVELT. The fact she was or was not a Communist, in my opinion, does not justify her murder.

Mr. FORRESTER. The gentleman has opened up a field I have been anxious to know about for some time. I heard on the floor of the House the State of Florida being maligned because of her murder. I have heard that from members of the California delegation. I wanted to know if the gentleman had made any attempt to discover the truth about this case?

Mr. ROOSEVELT. Yes, I have made every attempt to find the facts.

Mr. FORRESTER. Does the gentleman know when Harriet Lucy Moore went to the State of Florida?

Mr. ROOSEVELT. I do not see that that has anything to do with the fact she was murdered in Florida.

Mr. FORRESTER. Motive is always material. You have maligned the State of Florida. Have you given any thought to the possibility that she was murdered by persons from California?

Mr. ROOSEVELT. No. I am merely saying she was murdered in the State of Florida.

Mr. FORRESTER. If you will answer my question.

Mr. ROOSEVELT. I will try to.

Mr. FORRESTER. I want to find out if you folks have really tried to get the truth about this case. Have you tried to ascertain the motive for these killings?

Mr. ROOSEVELT. In the first place, I know Mr. Moore is not mentioned in any report you have referred to. Secondly, there are many people listed in that so-called report who have proven beyond any question that they are not Communists.

Mr. BURDICK. What difference does that make?

Mr. ROOSEVELT. I do not think it makes any difference, Mr. Burdick, but if Mr. Forrester wants to ask the question I will try to answer it.

Mr. FORRESTER. I will show the materiality motive and the type of weapons used are always material.

Mr. ROOSEVELT. I do not believe Mrs. Moore's name is mentioned in that report as the same person murdered in Florida.

Mr. FORRESTER. I will say there is a Harriet Lucy Moore listed in the California report.

Mr. ROOSEVELT. I have not been able to establish it was the same person. But have you established she was not the same person?

Mr. FORRESTER. I did not even know that she lived in California but I have suspected it and the gentleman has given me some information I did not know.

Mr. ROOSEVELT. I have read that particular fact, that she once lived in California, but I do not see it has any bearing on the fact that she was murdered in Florida.

Mr. BURDICK. I will say to the gentleman from California that I think the gentleman from Georgia is on a fishing expedition.

Mr. ROOSEVELT. There is good fishing in Florida usually.

Mr. BOYLE. I think he is interested in getting all the facts.

Mr. FORRESTER. If I am fishing, I am having a good day, evidently. Has the gentleman or any of those so concerned with maligning the State of Florida considered the fact that someone from California rather than from Florida might have killed Harry Moore and his wife?

Mr. ROOSEVELT. I did not understand the question.

Mr. FORRESTER. Have you given consideration to the fact that maybe somebody from California rather than from Florida killed Harriet Lucy Moore and her husband? That maybe they were traced to Florida by Californians and killed?

Mr. ROOSEVELT. All I can say is that no one has made such a charge until you just made it.

Mr. FORRESTER. Of course you have not. All the charges have been against Florida. That is the pastime.

Mr. ROOSEVELT. I am not a lawyer, but I understand when a murder is committed in a certain place it becomes the duty of the authorities in that place to conduct the investigation and to spearhead the apprehension of the guilty person.

Mr. FORRESTER. For the benefit of the gentleman I say to you it was murder, and I say the murderer ought to be apprehended if possible and that the murderer should be punished, but I am asking these questions because I have had some interest in this case too, and I am wondering if the gentleman has ever given any consideration to the fact that these people were killed by a bomb instead of a shotgun?

Mr. ROOSEVELT. I do not know.

Mr. FORRESTER. A good prosecutor would. It is a very material thing. If you have not considered it I want you to think about it. Have you ever in your lifetime heard of any murder committed by a Floridian or by a Georgian with a bomb? Search your memory.

Mr. ROOSEVELT. Frankly, no, I have never examined the means by which murder has been committed in Florida.

Mr. FORRESTER. But bombs have been used repeatedly in California in murders but never in Florida or Georgia.

Mr. ROOSEVELT. If a Californian committed the murder, I hope the Californian is punished. But I still say it is up to the people of Florida to do something about it because the murder was committed in Florida.

Mr. BURDICK. Have they done anything about it?

Mr. ROOSEVELT. That is my point. They have not.

Mr. FORRESTER. Does the gentleman contend that California apprehends all murderers?

Mr. ROOSEVELT. No, but they try to.

Mr. FORRESTER. Does the gentleman say Florida did not try to apprehend the murderer?

Mr. ROOSEVELT. I do not think they have made sufficient effort to get to the root of the thing.

Mr. FORRESTER. Well, let's see. Did not the FBI go down there?

Mr. ROOSEVELT. It is my understanding the FBI was very limited in its possible jurisdiction and finally had to pretty much withdraw from the case.

Mr. FORRESTER. Would it help the gentleman if I told the gentleman the FBI did go down there?

Mr. ROOSEVELT. And what did they do when they got down there?

Mr. FORRESTER. I assume they did what FBI people usually do.

Mr. ROOSEVELT. Would the gentleman deny the FBI decided there was not sufficient Federal law under which to operate?

Mr. FORRESTER. What is that?

Mr. ROOSEVELT. The FBI decided there was not sufficient Federal law to permit them to effectively operate.

Mr. FORRESTER. I would say that unless there is a Federal offense involved, thank God, the FBI cannot meddle in State affairs in California or elsewhere; but I want to suggest to the gentleman—and I am serious about this—I wish you people would give some thought to the fact that maybe somebody else could have committed these murders occurring in the Southern States other than southerners.

Mr. ROOSEVELT. I have not made the accusation that a Floridian killed Mr. and Mrs. Moore. I do not know where the murderer came from.

Mr. BURDICK. You did not imply that.

Mr. ROOSEVELT. I did not mean to imply that.

Mr. FORRESTER. I am suggesting if the gentleman traced this thing in California maybe he would get evidence. Your interest should incite you to do that.

Mr. ROOSEVELT. May I say I would like the FBI to have authority to do the tracing. It is not my job.

Mr. FORRESTER. You people are squawking about it. You are using this incident against the State of Florida.

Mr. ROOSEVELT. I want them to have the power to do it and I think the legislation I have introduced would give them that power.

Mr. FORRESTER. I would suggest to the gentleman in all sincerity that when I heard there was a bombing down there my mind went immediately to the conclusion that it was not homicide committed by a Floridian. Those people can use a shotgun too good. I venture to say there is not a man in that town who could have constructed a bomb. But many in California can and do use bombs.

Mr. ROOSEVELT. Let me emphasize again I am not interested in the place from which the murderer came. I am interested in seeing that murders of this kind be stopped and that when they are done the law-enforcement agencies should be strengthened so that we can find the murderers.

Mr. FORRESTER. Do you mean that in all cases the Federal authorities should be empowered to act?

Mr. ROOSEVELT. Wherever it affects a Federal statute. That is the matter I have before the committee to discuss.

Mr. MITCHELL. Mr. Chairman, I am Clarence Mitchell, of the National Association for the Advancement of Colored People. Mr. and Mrs. Moore are dead. They are not here to defend themselves. We know in our organization they were not at any time ever members of the Communist Party or connected with it in any way, and at the appropriate time we will be happy to produce witnesses before this committee who could testify to that fact if you so desire. One of Mr. Moore's daughters lives here in Washington and I would be happy to produce her if the committee so desires.

Mr. ROOSEVELT. Mr. Chairman, I would be very happy to stay to answer any questions and could return later, but I have an executive meeting of the committee of which I am a member, and they have sent word they will have a vote, and I would like to be excused as soon as possible.

Mr. LANE. Before you complete your testimony, the purpose of your proposed legislation is to get at some of the cases where the local authorities in some of the States turn their backs on some of these crimes. This was manifest for many years when crimes were committed and tied to the Ku Klux Klan and other organizations that ran rampant in certain sections of the country. Subsequently it was brought to the attention of the Congress that either the local authorities must improve or the United States Government would put laws on the books whereby they could step in and take over and enforce the criminal laws. I suppose that is the purpose of your bill, to get at those particular crimes that have been committed in the past?

Mr. ROOSEVELT. Mr. Chairman, you have stated it very, very well.

Mr. FORRESTER. Now, Mr. Chairman, I want to make a statement also. So far as I am concerned, there is not a man anywhere more opposed to murder than I am, whether he is black or white or pink or blue or whatnot. I have had 27 years' experience as a prosecuting

attorney, and I am willing to throw the book at them and let them look at it. All I was trying to do was get some answers to some of the impressions that have been created all over the country and suggest there might be two sides. I have not said anyone was or was not a Communist. I simply asked if there had been an investigation made of that. And I wondered if they had given thought to the fact that the Moores might have been killed by outsiders. I hoped that might be helpful.

Mr. LANE. Have you finished your statement, Congressman?

Mr. ROOSEVELT. Yes, I have, and I appreciate the privilege of appearing before you.

Mr. MILLER. Mr. Chairman, I would like to ask a question.

Mr. LANE. Mr. Miller.

Mr. MILLER. This civil-rights legislation, of course, is not new?

Mr. ROOSEVELT. No.

Mr. MILLER. The gentleman has had some experience on the Washington scene since 1933?

Mr. ROOSEVELT. Yes, sir.

Mr. MILLER. And all during that period of time civil-rights legislation such as this was never passed?

Mr. ROOSEVELT. I do not believe it ever has been, and I can only say I regret that it has not been.

Mr. MILLER. Do you disagree with Congressman Powell that since the advent of President Eisenhower there have been tremendous strides made in the field of civil rights?

Mr. ROOSEVELT. No, I do not disagree. I believe the President has tried to bring this matter to public attention. But I think perhaps he has been misled by thinking the fundamental way to do this is by administrative action.

Mr. LANE. Thank you.

Mr. FORRESTER. I hope the Congressman will not interpret my remarks as not feeling he has a perfect right to advocate anything he wants to. I cheerfully concede him that right. I hope he understands what I was talking about.

I simply object to States being maligned immediately without full inquiry into all the facts and the maligning used as basis for laws against States.

Mr. ROOSEVELT. I certainly do, Congressman Forrester.

Mr. LANE. Is there anybody here who would like to testify at 2 o'clock? I am advised that some of the organizations have been notified to testify 2 weeks from today.

Mr. MITCHELL. I think the organizations would prefer to be heard on the 27th because we are having a meeting on the 19th to discuss the things that will be brought out in order not to duplicate the testimony.

Mr. LANE. Are there any persons in the room not connected with these organizations who wish to testify on these civil-rights bills this afternoon at 2 o'clock?

(No response.)

Mr. LANE. Otherwise the hearing on civil-rights bills will be suspended at this time until tomorrow morning, at which time we hope to hear from some of the departments and agencies of government.

We have the statement of Congressman Peter W. Rodino, Jr., of New Jersey, a member of this committee who is occupied in his own

subcommittee and is unable to be here but has submitted a statement for the record, and we will be pleased to insert it in the record at this point.

(The statement referred to is as follows:)

STATEMENT OF REPRESENTATIVE PETER W. RODINO, JR., ON H. R. 702

Mr. Chairman and members of the committee, to those of us who are fortunate enough to be Americans, nothing is of greater importance than the civil rights which we enjoy. These rights are a source of great pride and satisfaction to us—and justly so. But their real significance goes far deeper. American freedom is rooted in these rights. They are, perhaps, the distinguishing characteristic of our country. They are the first things Americans think of when they want to describe their country, and they are the standards by which the rest of the world measures us.

The civil rights we now have were not given to us. In the beginning, it was a fight to get them, and we have had to fight many times to keep them. It is incumbent upon us that we should continue to enlarge the scope of our civil rights so that all Americans in all fields of activity may exercise them to the fullest extent. This is progress in the noblest meaning of the word. We cannot expect a perfect society here on earth, but we in Congress are most certainly committed to do everything we can to guarantee to every citizen the full rights that are inherent in the promise of American freedom.

The United States has become the greatest Nation on earth because it has always met its problems with courage, resourcefulness, and imagination. However, despite the great amount of freedom which is ours, there is still much that must be done in the field of civil rights. Many of our people are deprived of a part of their American heritage because of our inactivity. These people hope for something more, and they are entitled to expect more.

There is, in the area of civil rights in the United States, a gap between principle and practice. I believe that H. R. 702, of which I am the author, will go a long way toward filling this gap. I think my bill is a good one, and I am grateful to the subcommittee for the opportunity to present this statement today in support of it.

It is not my intention in this statement to go into any great detail concerning H. R. 702, but I would like to discuss it briefly and in general terms. I believe sincerely that this bill covers those areas of civil rights where present shortcomings are the most glaring and where legislation by the Federal Government would be most effective. H. R. 702 is a bill to protect the right of individuals to be free from discrimination or segregation by reason of race, color, religion, or national origin. The introduction to the bill sets forth in broad language the responsibilities and duties of the Congress with respect to civil rights. It declares that the abridgment of the civil rights of some of our citizens is destructive to the integrity and dignity of the individual and damaging to the security and general welfare of our country.

Title I is designed to assure the protection of our citizens from mob violence and lynching. After carefully defining a lynch mob and a lynching, this section of the bill makes subject to a heavy fine, or imprisonment, or both, anyone found guilty of any participation in a lynching. State and local officers who fail to make all diligent efforts to prevent a lynching are also subject to severe legal penalties. If such negligence is reported under oath to the Attorney General of the United States, he is enjoined to make an investigation to determine whether this title has been violated. Responsibility for lynchings is also placed upon local government subdivisions by leaving them open to suit in a Federal district court if they fail to prevent a lynching within their respective jurisdictions.

The purpose of title II is to strengthen the protection of the individual's rights to liberty, security, and citizenship and its privileges. It provides for penalties against persons who seek to deprive any inhabitant of a State, Territory, or district of those rights and privileges secured to him by the Constitution of laws of the United States.

This title extends to all persons a greater protection of their right to vote and to participate in the political process. It also prohibits discrimination and segregation based on race, color, religion, or national origin on public conveyance in the United States operating in interstate or foreign commerce. Anyone who attempts to enforce discrimination or segregation in transportation under these circumstances may be sued in a Federal district court.

The prohibition of discrimination in employment because of race, religion, color, national origin, or ancestry is set up under title III of H. R. 702. Under this title the right to employment without discrimination based on these factors is "recognized as and declared to be a civil right of all the people of the United States." Title III would create a National Commission Against Discrimination composed of seven members appointed by the President and approved by the Senate.

This Commission would have broad powers to appoint necessary agents to carry out its work, to cooperate with State and local agencies, to make investigations and hear witnesses, to provide technical assistance and make technical studies, to create local and regional advisory and conciliation councils, and so forth. Procedures are established to hear grievances from both employers and employees, and a careful system for review is set up.

The substance of title IV is simply that "there shall be no discrimination against or segregation of any person in the armed services of the United States or the units thereof, or the reserve components thereof, by reason of race, religion, color, or national origin of such person."

The purpose of title V of H. R. 702 is to eliminate discrimination or segregation based on race, color, religion, or national origin in opportunities for higher and other education. The rights of religious or denominational schools would not be impaired by this bill.

This part of the bill defines certain unfair educational practices and establishes procedures for the hearing of grievances and for the investigation of complaints. Much of the responsibility for the enforcement of the provisions of this title and for the conducting of investigations would fall upon the Commissioner of Education. An adequate system of judicial review is provided for in the Federal court system.

The payment of a poll tax as a prerequisite for voting in a primary or other election for national office would be outlawed by the provisions of title VI. By this title, State, municipal, and other governmental divisions would be prohibited from assessing any tax which would have to be paid in order to vote or to register to vote in any election for a national office.

Title VII of H. R. 702 would prohibit segregation and discrimination in housing because of race, religion, color, or national origin. Under this title no agency of the United States, nor any Federal Government corporation, could insure or guarantee a home mortgage unless the mortgagor first certified under oath that he would not practice discrimination or segregation on the above grounds. A policy of nondiscrimination would also be applicable in the administration of various Federal Government housing acts.

Title VIII contains provisions to strengthen the machinery of the Federal Government for the protection of civil rights. It would create a Commission on Civil Rights composed of five members appointed by the President by and with the advice and consent of the Senate. The Commission would gather information, appraise the policies, practices, and enforcement program of the Federal Government with respect to civil rights, and appraise the activities of the National, State, and local governments, and of individuals and groups, to determine what activities adversely affect civil rights.

Title VIII would also bring into the Department of Justice an additional Assistant Attorney General, in charge of the Civil Rights Division, to look into matters pertaining to the preservation and enforcement of civil-rights laws.

Finally, this title would establish in Congress a Joint Committee on Civil Rights with broad powers to make a continuing study of civil-rights matters and to offer advice and recommendations.

This completes the very sketchy outline of the provisions of H. R. 702. I feel sincerely that it is a fair bill and a necessary bill which, if enacted into law, will go far toward guaranteeing many of our citizens the rights they do not now enjoy but to which they are fully entitled. This seems to me to be in the best tradition of America. In fact, I do not see how we in Congress dare do less.

Under this bill, much of the responsibility for the preservation of our civil rights and the enforcement of our civil-rights laws will be with local governments. In some instances Federal action is necessary, and it is authorized in this bill. I think the bill provides for sound administrative machinery to hear grievances and to act upon them. H. R. 702 is also careful to assure that due process of law is observed so that a just solution to civil-rights issues will be obtained.

It has been argued that civil rights cannot be legislated, that their preservation and extension are essentially a moral problem that only education, not law,

can cope with. This can hardly satisfy the many thousands, even millions, of Americans who live in the shadows of second-class citizenship. Furthermore, those who believe this are far from being entirely correct.

For example, it is certainly true that many people find their rights sharply curtailed by laws. There is surely no reason why we cannot do something by law to combat these evils. Secondly, civil rights are often infringed upon or jeopardized by antisocial actions which can be curbed by law. Finally, the enactment of civil-rights legislation can engender the idea and atmosphere of freedom in which the rights of men can grow and prosper.

Presidents Roosevelt, Truman, and Eisenhower have all urged that legislation be enacted to strengthen civil rights in the United States. Both the Democratic and Republican Party platforms in 1944, 1948, and 1952 contained civil-rights planks. In the past few years literally scores of civil-rights bills have been introduced into Congress. Yet practically nothing in the way of legislation has been accomplished.

Congress alone is to blame for many of the deficiencies in the civil rights of the United States. The time has certainly come to move beyond the talking stage and start acting. I believe that H. R. 702 is a good place to begin, and I sincerely hope that it will receive the earnest consideration of this subcommittee.

Mr. LANE. We also have a statement from Congressman Victor L. Anfuso, of New York, which will be placed in the record at this point as one interested in his own bill, H. R. 5503.

(The statement referred to is as follows:)

STATEMENT BY CONGRESSMAN VICTOR L. ANFUSO ON H. R. 5503

Mr. Chairman and members of the committee, I appreciate the opportunity to present my views to your committee on my bill, H. R. 5503, to promote further respect for and observance of civil rights within the United States.

I am happy to say that we have made considerable progress in recent years in the direction of eliminating discrimination and racialism in this country, but we still have a long road to travel before we can attain true understanding, equality of opportunity, and human brotherhood. Among the most important basic principles that have been handed down to us by the founders of our great Republic is the heritage of freedom, the concept of equality of opportunity, the belief that the individual should be judged strictly on the basis of ability and achievement. The flames of intolerance would have consumed this Nation long ago if these principles had not been made the core of the American creed.

One of the greatest struggles within the conscience of the American people today is to justify our practices of racial and religious discrimination in the light of our moral and democratic principles. The fact remains that there is no moral justification for racial or religious discrimination. It undermines the foundations of our way of life and it destroys the economic opportunities for all. Discrimination based upon a person's religious beliefs, or his national origin, or the color of his skin cannot be reconciled with the American concepts of justice and the brotherhood of man. In order to build and maintain a great nation such as ours we must make use of all the human resources of the country, but if we deny certain groups among our citizens the opportunity to develop their skills, then it is not only a contradiction of our own principles but we are actually hurting our country and its interests.

Law is an effective instrument for changing social conditions and law acts as a powerful factor in preventing discrimination. It fosters the conviction that discrimination is wrong by fixing standards which are respected by the majority of the people. Because people as a rule are law abiding, their behavior tends to create customs which are in harmony with the law.

For some time now Communist propaganda has been exploiting every manifestation of prejudice in the United States in order to spread hatred against us among the peoples of Asia and Africa. They tell many untruths and half-truths about our treatment of minorities, while the true facts are distorted to give a false impression of the extent of discrimination in this country. This forces us to be on the defensive and apologetic, and it affects American prestige and moral leadership among the peoples of the world.

Consequently, I believe the time is long overdue for us to seek to eliminate all remnants of discrimination in this country through the means of effective legis-

lation The civil rights bill which I have drawn up is comprised of four titles, dealing with specific problems, and these four sections of the bill are as follows:

Title I. Civil Rights Commission: Under this title the President is authorized to establish a Civil Rights Commission composed of 3 members, for a period of 3 years each. The purpose of the Commission shall be to conduct a continuing study of the policies, practices, and the enforcement program of the Federal Government with respect to civil rights, and of the progress made throughout the Nation in promoting respect for and the observance of civil rights. The Commission shall report its findings and recommendations each year to the President and to Congress.

Title II, prohibition against poll tax: This section recommends that the requirement for payment of a poll tax as a prerequisite to voting or registering to vote in a primary or other election for President, Vice President, and Members of both Houses of Congress, shall be abolished. It shall be declared unlawful for any State, municipality, or other governmental subdivision to levy a poll tax on the right to vote or registering to vote

Title III, protection from mob violence and lynching: Groups of two or more persons who commit or attempt to commit violence upon an individual or a group because of their race, color, national origin, or religion, shall be recognized as a lynch mob and violence committed by them shall constitute lynching. Members of such lynch mobs who willfully incite or commit a lynching shall be guilty of a felony and punishable by a fine up to \$10,000 or imprisonment up to 20 years or both.

Title IV, equality of opportunity in employment: This section declares that discrimination in employment which is based on race, color, national origin, or religion, is contrary to American principles of liberty and equality of opportunity, it deprives our country of its full productive capacity, and it foments industrial strife and unrest. Discrimination in employment is made unlawful. The bill creates a commission to be known as Equality of Opportunity in Employment Commission, composed of seven members to be appointed by the President, whose purpose shall be to seek to prevent or discontinue discriminatory practices in employment through investigation, conciliation, and persuasion. Where necessary, the aid of regional, State, and local agencies should be obtained. Where voluntary methods fail, the Commission is to be empowered to issue complaints, conduct formal hearings, and issue cease-and-desist orders enforceable in the courts.

Our country is comprised of people who come from all races, religious beliefs, and national origins. All of them have made important contributions toward the development of the United States as a great Nation and toward shaping its destiny. I am strongly opposed to the creation of second-class citizenship for any group in this country, because I do not believe in the superiority of one race or one nationality group over another. As soon as we encourage second-class citizenship, we open the door for discrimination and bigotry.

Somewhere recently I came across the following lines:

"Give us wide walls to build our temple of liberty, O God
The North shall be built of love, to stand against the winds of fate;
The South of tolerance, that we may building outreach hate;
The East our faith, that rises clear and new each day.
The West our hope, that even dies a glorious way.
The threshold 'neath our feet will be humility;
The roof—the very sky itself—infinity.
God, give us wide walls to build this great temple of liberty."

We must continue to build with love and tolerance; we must continue to have faith in our country and in its future; and we must continue to hope for human brotherhood, for freedom, and for true understanding among the nations and the peoples of the world.

Mr. Chairman, I am grateful to the committee for giving me the opportunity to discuss the salient points of my bill. I sincerely hope that you will give my bill favorable consideration.

Mr. LANE. We also have statements from Congressman Hugh J. Addonizio, Representative from New Jersey, and Congressman Henry S. Reuss, Representative from Wisconsin.

(The statements referred to are as follows:)

STATEMENT OF HUGH J ADDONIZIO, REPRESENTATIVE FROM NEW JERSEY, ON
H. R. 51

Mr. Chairman and members of the committee, I am happy that you have scheduled these hearings on my bill, H. R. 51, and other civil-rights measures, and I appreciate having this opportunity to urge your favorable consideration of these proposals designed to strengthen and make more perfect our beloved way of life.

A few days ago, the American Nation celebrated the 179th anniversary of our country's independence. We observed Independence Day with displays of fireworks and with patriotic addresses that once again called our attention to the high principles embodied in the Declaration of Independence by our Founding Fathers.

The very heart of that which we celebrate every July 4 is found in the second paragraph of the Declaration, and has been well known to every one of us since our early school days

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

These "unalienable rights" of which the Declaration speaks are the civil liberties guaranteed to us in the first 10 amendments to the Constitution of the United States, commonly termed the American Bill of Rights, and the civil rights and privileges which are morally the heritage of every human being regardless of his membership in any ethnic or religious group. These are the right to work, to education, to housing, to the use of public accommodations, of health and welfare services and facilities, and the right to live in peace and dignity without discrimination, segregation, or distinction based on race, religion, color, ancestry, national origin, or place of birth. There are the rights which all governments, whether Federal, State, or local, have the duty to defend and expand

Civil rights are simultaneously both the keystone and the barometer of American democracy. It is not too strong a statement to say that upon their preservation and further development rests the future of popular rule. The extent to which civil rights are respected or denied indicates whether government by the people is being upheld or undermined. Our American democracy was founded upon the principles of freedom, equality, and the affirmation of the worth and dignity of the individual. Whenever these principles are endangered, our democratic system is threatened.

It is vitally important to us here in the United States to make these principles a living and constantly growing reality, but it is of paramount importance to the other peoples of the world, for they are witnessing at the present time a struggle between the champions of freedom on the one hand and the forces of totalitarianism on the other. In this struggle for men's minds, democratic and liberty-loving peoples everywhere turn hopefully to the United States for leadership. We have built up tremendous industries and our land is endowed with vast natural resources. If the American people and what we represent are to play a really decisive role in other lands, however, we must continue to strengthen and perfect our democracy here at home. As long as racial or religious minorities are denied **equality of rights**, as long as any minority group is not permitted to exercise all the prerogatives and privileges of citizenship, and as long as all the people of this land of ours do not enjoy full equality before the law, our American democracy at the very best is defective, partial, and imperfect.

In every area of American life, the gap existing between ideals and practice is closing—slowly, to be sure, but steadily. Our courts, our State legislatures, our municipal councils, and our civic leaders are continuing the forward march toward the concept of equal justice and opportunity for all.

The most striking example of this closing of the gap between ideals and practice is the decision of the United States Supreme Court on May 17, 1954, that compulsory racial segregation in State-supported elementary and secondary schools violated that clause of the 14th amendment to the Constitution which requires that all persons born or naturalized in the United States should be afforded the "equal protection of the laws." This decision culminated a two-decade campaign to bring about a reappraisal of the "separate but equal doctrine" first laid down by the United States Supreme Court in 1896.

For more than half a century, the Supreme Court had accepted the doctrine that it was not discriminatory to require separation of the races, provided the facilities maintained for the two races were substantially equal. Increasingly

during recent years, however, that doctrine had been attacked by lawyers and social scientists on the ground that it failed to take into account the stigma of inferiority implied by compulsory segregation. Finally, on May 17, 1954, after 3 days of argument by attorneys for both sides in December 1952, and similar reargument in December 1953, the Supreme Court handed down its unanimous decision.

Virtually the entire press of Western Europe reacted with enthusiastic approval of the Court's decision. Publications usually lukewarm to United States policies, or opposed to them, joined in this approval. These included in England, the Labor Party's *Daily Herald* and the highly respected *Observer*; in France, *Le Monde*, the spokesman for neutralist elements; in Switzerland, the *Tribune de Geneve*, and in Germany, the influential *Stuttgarter Zeitung*. Some idea of the ideological importance of the decision in the struggle between the Western World and communism can be seen in the fact that papers like *L'Humanite*, the leading French Communist daily newspaper, did not print a single word about the action of the Supreme Court, though it was front-page news in all but the Communist papers.

While progress in areas other than education has been considerably less spectacular, nevertheless, it has continued steadily since the end of the Second World War, and particularly since 1947, when the President's Committee on Civil Rights issued its historic report.

This report set forth four basic rights as being essential to the well-being of the individual. The first of these is the right to safety and security of person. Freedom can exist only where every individual is secure against bondage, lawless violence, and arbitrary arrest and punishment. Where individuals or mobs take the law into their own hands, where justice is unequal, no man is safe.

The second of these basic rights is the right to citizenship and its privileges. In a democracy every citizen must have an equal voice in government. Citizenship cannot be withheld because of race, color, creed, or national origin. All privileges which accrue to one citizen must of necessity be available to every citizen.

The third basic right is that of freedom of conscience and expression. A free society is based on the ability of the people to make sound judgments. Such judgments, however, are possible only where there is access to all viewpoints. Freedom of expression may be curbed only where there is a clear and present danger to the well-being of society.

The last of these four basic rights which were set forth by the President's Committee on Civil Rights was the doctrine that full citizenship entitles every American, regardless of race, creed, or national origin, to full equality of opportunity in securing gainful employment, in enjoying equal access to education, housing, health, and recreation services, and in transportation and other public and semipublic facilities.

I have every confidence that our Nation will continue to progress in the civil-rights area, just as I am sure that America will continue to lead the world in industrial expansion. Since 1947, substantial progress has been achieved in eliminating segregation, not only in education but in the Armed Forces of our Nation and in amateur and professional athletics. Discrimination in employment, housing, and public accommodations has been, and continues to be, reduced. Those who look to this Nation for proof that democracy can fulfill its promise have reason to be greatly heartened by the advances of the past 8 or 10 years. However, much progress remains to be made, and the most effective method is, in my opinion, by legislative action as proposed in the pending legislation. I hope that your committee will see fit to report favorably this most important legislation and thus, as H. R. 51 expresses it, "preserve our American heritage, halt the undermining of our constitutional guaranties, and prevent serious damage to our moral, social, economic, and political life, and to our international relations."

STATEMENT BY CONGRESSMAN HENRY S. REUSS IN SUPPORT OF CIVIL-RIGHTS BILLS

Mr. Chairman, the seven civil-rights bills, H. R. 5343, H. R. 5344, H. R. 5345, H. R. 5348, H. R. 5349, H. R. 5350, H. R. 5351, which I have introduced and which have been referred to the House Committee on the Judiciary are all an outgrowth of the recommendations made by President Truman's Committee on Civil Rights. This Committee laid the groundwork for safeguarding civil rights in this country. It put the initiative for action on the shoulders of Congress. It

is now nearly 9 years since the Truman Civil Rights Committee made its report to the Nation. Congress has so far failed to implement what the best minds in the field of civil rights said was needed.

It is suggested that Congress will never approve civil-rights legislation until the Senate discards rule 22 requiring a two-thirds majority of the Senate to shut off debate. It is said that a minority will always filibuster to death any civil-rights bill whichever reaches the Senate floor.

I do not want to raise false hopes, but it seems to me that there is merit in approving civil-rights legislation in the House. If the House fails to act and remains silent on the question of civil rights, this only encourages the Senate to indulge in interminable delays of its own. Somebody in Congress has got to move, and I heartily commend this committee for launching hearings on these bills.

It is no secret that opposition to civil-rights bills stems largely from the South. But I hasten to say that prejudice is no monopoly of the South. I recognize that the large Negro population of the South creates special tensions which are not changed overnight. The South has made remarkable headway in minimizing racial prejudice during recent years. Its progress in this respect often puts the North to shame.

The civil-rights bills which I have introduced would help to eradicate second-class citizenship in America.

There are people who speak of this as a golden age for America. Others say we are in the American century. Whatever it is, there are many minority people in our land who are not sharing in the good things of life. Surely nothing has damaged America's reputation abroad more than our treatment of colored people.

The gentleman from New York (Mr. Powell) could go to the Bandung Asia-African Conference this year and tell the leaders of the colored nations that America has made great strides in eliminating segregation and discrimination. Yet many of the things which Congressman Powell discussed with such pride about America are changes in our customs which were considered unthinkable and impractical 10 or 20 years ago.

I want to suggest to this committee that the civil-rights laws which I have introduced and are now before you are merely the next steps needed to complete the protection of civil rights for all Americans.

There is no stronger armor in our defenses against communism than what we say and do about the rights of individuals under the law. The following bills have been introduced by me to give every American citizen equal rights under the law and I ask that this committee give them favorable consideration:

H. R. 5343 would protect the right of political participation;

H. R. 5344 would strengthen the laws relating to convict labor, peonage, slavery and involuntary servitude;

H. R. 5345 would outlaw lynching and protect citizens from lynch mobs;

H. R. 5348 would set up a permanent Commission on Civil Rights, a Civil Rights Division in the Department of Justice, and a Joint Congressional Committee on Civil Rights;

H. R. 5349 would amend and supplement existing civil-rights statutes;

H. R. 5350 would create an additional Assistant Attorney-General in the Department of Justice with the full-time job of enforcing civil-rights laws; and

H. R. 5351 would set up a Commission on Civil Rights within the executive branch of the Government.

Each of these bills has been carefully drafted from the store of wisdom given the Congress by the Committee on Civil Rights, whose recommendations await implementation.

H. R. 690 introduced by Congressman Powell seems to me meritorious for these reasons:

1. An FEPC law would raise our standing in the eyes of the world. By eliminating all discrimination in job opportunity we would be making democracy work and proving what the Communists say about us is wrong.

2. Our expanding economy demands that we provide job opportunities for all Americans. An FEPC law would unlock new sources of purchasing power which would help keep our economy moving. Millions of Americans are now forced to work at substandard wages, many times because of their race, color, nationality, or ancestry. An FEPC law would be a boost to our economy.

3. Our wartime experience with FEPC showed that an enforcement law prohibiting discrimination in employment can get results without causing great havoc or any of the dire upheavals which the critics of FEPC have prophesied.

I call your attention to the thoughtful testimony in the 1949 House Education and Labor hearings (p. 548) by Mrs. Majorie Lawson, who was Assistant Director of the Division of Review and Analysis for the wartime FEPC:

"During its peak activity, FEPC closed about 250 cases a month. Of these, 100 were satisfactory adjustments. This meant that a valid complaint of discrimination had been filed, and investigation made, evidence of discrimination found, and a settlement reached by means of peaceful, on-the-spot negotiations at least 100 times a month. These cases never were referred to the national office in Washington, there were no public hearings held, there was no publicity about the matter one way or another in the newspapers. These cases were like happy marriages. No one heard about them. Perhaps they were presumed not to exist. But the reports on every one may be read today in the FEPC files in the National Archives. The big recalcitrant cases, involving the southern railroads and the railway brotherhoods, the boilermaker's unions, and the Capital Transit Co., of Washington, D. C., made the headlines, just as divorce statistics do. These railroads, unions, utilities were aggregations of power which dared to range themselves against the power of Government when it had not spoken in a clear, authoritative voice. These cases demonstrate that the effective enforcement of Government policy must rest on the sanctions which are included in H. R. 4453" (p. 548, printed hearings on H. R. 4453 before a special subcommittee of the Committee on Education and Labor, 81st Cong.).

4 Finally, State FEPC laws have worked well, contrary to predictions otherwise. I call your attention to an illuminating comment appearing in Business Week magazine for February 25, 1950, which states the attitude of a conservative business publication on how FEPC with enforcement powers works at the State level:

"Employers agree that FEPC laws haven't caused near the fuss the opponents predicted. Disgruntled jobseekers haven't swamped commissions with complaints. Personal friction hasn't been all serious. Some employers still think there's no need for a law. But even those who opposed an FEPC aren't actively hostile now."

I sincerely hope that this committee will send to the floor of the House of Representatives the kind of civil-rights legislation which will give all Americans equal justice under the law. The bills which I have introduced are intended to accomplish exactly that goal.

Mr. LANE. If there is nothing further at the moment the committee will stand adjourned until 2 o'clock this afternoon, when we will take up Texas City disaster claims.

(Thereupon, at 12 noon, the hearing was adjourned.)

CIVIL RIGHTS

THURSDAY, JULY 14, 1955

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 2 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10 a. m., in room 346, House Office Building, Hon. Thomas J. Lane (chairman) presiding.

Mr. LANE. The committee will come to order.

This Committee on the Judiciary will now continue the hearings which started yesterday on these civil-rights bills. Bearing in mind there are 51 of these bills, I expect that the speakers will confine themselves to any one or any group of them.

The committee is fortunate this morning in having before us a former Member of Congress for whom we have the greatest admiration and respect who served in the House for a number of years. We welcome his presence here this morning and are always pleased to hear from our friend Al Cole, former Congressman from Kansas and now Administrator of the Housing and Home Finance Agency.

We are pleased to have you here, Congressman Cole, now Administrator Cole, for anything you may suggest or recommend to us in reference to this legislation. It is my understanding you wish to confine your remarks to one particular bill. Is that H. R. 389?

Mr. COLE. Yes, Mr. Chairman. H. R. 389, of course, is similar to other bills introduced by other Members and therefore it would seem to me that comments with respect to H. R. 389 would cover the broad policy problems involved in similar proposals.

Mr. LANE. You may proceed.

STATEMENT OF HON. ALBERT M. COLE, ADMINISTRATOR, HOUSING AND HOME FINANCE AGENCY, ACCOMPANIED BY HON. OAKLEY HUNTER, COUNSEL

Mr. COLE. Mr. Chairman, I would like if agreeable with the chairman to address my remarks so far as I am concerned primarily, or I should say solely, to part 6 of H. R. 389, which is the prohibition against discrimination and segregation in housing. That appears on page 44 of H. R. 389.

Mr. LANE. Very well. You may proceed.

Mr. COLE. Thank you, Mr. Chairman. I am delighted indeed to have this opportunity to appear before this distinguished committee, and I appreciate the chairman's comments about my personal relationship with the House and the Congress.

Mr. LANE. You always get along with all Members of the Congress on both sides.

Mr. COLE. That is very nice indeed. As you know, I have great admiration for my colleagues as individuals and as Members of what I consider the greatest legislative democratic body in the world.

I do not have a prepared statement. May I say that my remarks with respect to H. R. 389 have not been processed by the Bureau of the Budget and therefore I am appearing here, upon invitation of the committee, to assist the committee in such manner as it is possible for me to do so, although I cannot advise the committee that the Administration has approved or disapproved H. R. 389. In other words, the statements which I am to make are the statements Al Cole makes as Administrator, of course, based upon his experience as Administrator. If perhaps I can be of some assistance to the committee, I am delighted to have this opportunity.

Mr. Chairman, since I took this office a little over 2 years ago, I have been deeply concerned about this tremendously complex, controversial, and difficult problem of obtaining decent housing in good neighborhoods for all of the people, but particularly have I been concerned about it with respect to the Negro race. There are other situations in housing that call upon my attention. There are other situations with respect to discrimination that call upon my attention, but particularly have I been concerned about the problem of obtaining decent housing, nondiscriminatory housing, for Negroes. And I think I can say that my public speeches and statements contain evidence of my concern about this and probably evidence that I am as much concerned as anybody in the Government either in the executive or legislative branch. I have appeared before industry, public interest groups, bankers, mortgage bankers, realtors, local public authorities, housing officials, and others interested in the Nation's housing problems and have time and time again called upon them to consider this problem.

One of the definitive statements I made was contained in a speech to the Detroit Economic Club on February 8, 1955. I am not going to quote the speech but if I may, with your permission, I will quote one paragraph:

It is very poor business to ignore one-tenth of our population as a housing market. It is worse than bad business. We are simply not living up to the standards of a free economy and a democratic society. For the housing economy has not been a free economy for the Negro. If he wants to get out of a slum, his best hope usually has been to pay a premium price for a house in bad condition in a deteriorating neighborhood. If he finds a house he can buy, he must pay more than the normal market price for it—simply because he isn't free to compete on the market. If he is able and willing to pay the price, he has difficulty getting financing on reasonable or even equal terms. Yet today these minority families constitute a growing and important part of our society. It is ironic that though they contribute through savings and investments a very substantial part of our capital which is needed to support the overall housing and our other productive activities, they are the last in line when it comes to borrowing money to build or buy a home.

Now, in addition to making speeches, Mr. Chairman, I brought to Washington a committee to discuss the problems of minority housing. We had 2 days of very interesting discussions. I believe for the first time in Government, so far as I know at least, there were brought together people representing different points of view who sat around a table to discuss their attitudes and ideas about the prob-

lem of housing for minority races, and particularly for the Negro; people who had never before had the opportunity to freely discuss—and they did quite a good job of freely discussing—their attitudes, their backgrounds, their ideas, policies, and the complexity of the problem.

Mr. LANE. Had that ever been tried before in your department?

Mr. COLE. So far as I know it had not. So far as I know it was a novel idea. I had representatives of labor, representatives of bankers, representatives of life insurance companies, representatives of public interest groups, representatives of the NAACP, and other interested parties covering the periphery of this question. Since that time I have had other discussions in my office with many people involved in this difficult and complex problem.

We are in constant—I use that word advisedly—consultation with people involved in this problem and we in the Housing Agency are constantly discussing and attempting to find solutions that will meet the objectives of the Government and of the people of the country. That objective, as I see it, is to help people find decent housing in good neighborhoods, and this irrespective of their race, religion, or color. This is our job, I believe. Everybody in the United States is entitled to that type of an approach to the problem.

As I said at the beginning, I want to give you a little bit of my thinking about this bill itself because, as the committee is well aware, when a bill is introduced and the committee considers it, the committee can talk about broad policy and talk about what you want to do as a matter of policy, but you have a yes or no vote upon amendments, upon sections of the bill, upon technical provisions in the bill, and it is in my humble opinion the responsibility of the committee to recommend to the Congress legislation which is within the policy of the Government, that it is constitutional, that it can be carried out administratively, and that it will be an effective force as a legislative proposal.

Therefore, Mr. Chairman, although I do not have clearance from the Bureau of the Budget in order to give you the attitudes of the administration, while we are working diligently to determine administrative policies upon this matter, I am going to approach it in this manner, by saying there are certain questions this bill presents which I would like to call to the committee's attention for your consideration.

First, there are 3 or 4 major approaches in part 6 of this bill. One, I believe, would approach the problem of public housing because public housing is subsidized by the Federal Government. In other words, tax money of the Federal Government is used to subsidize public housing for the benefit of low-income people.

Secondly, the bill approaches the idea of discrimination in the insured mortgage loan program such as FHA.

Third, it approaches the idea of discrimination with respect to Government grants and loans, Government money directly used for the purpose of building or constructing houses.

Mr. BOYLE. Will the gentleman yield?

Mr. COLE. Certainly.

Mr. BOYLE. Is it not the congressional intent to have the public housing program dovetail with the FHA?

Mr. COLE. Yes, if you are talking about the workable program, but FHA has nothing to do with the public-housing program. The community has the responsibility of considering all segments of housing, and making the determination as to public housing.

Mr. BOYLE. The FHA is set up as probably the most exclusive insurance in the world, where you only take a lot of fine preferred risks, is that not true?

Mr. COLE. No.

Mr. BOYLE. Actually what is your record to date of mortgage failures in FHA?

Mr. COLE. About one-fourth of 1 percent.

Mr. BOYLE. So that it is a high ratio of nonloss, is it not?

Mr. COLE. Yes, it is a high ratio.

Mr. BOYLE. It is exceptionally high. As a matter of fact, Mr. Administrator, on that basis actually there is little or no risk?

Mr. COLE. I do not agree with the Congressman.

Mr. BOYLE. As a matter of fact you testified, or some of your administrators testified, in my presence not more than 5 months ago that the loss was less than one-tenth of 1 percent.

Mr. COLE. It is either one-tenth or one-fourth of 1 percent. It is nominal.

Mr. BOYLE. It is almost out of the picture.

Mr. COLE. What is out of the picture?

Mr. BOYLE. One-tenth of 1 percent when you are insuring mortgages looks to me as though your underwriting requirements are so absolutely strict as to be exclusive.

Mr. COLE. In answer to that I will say first, the Congress has required the FHA, particularly in the section 203 program, the 1-to-4-family sales houses, to use a standard of economic soundness. This is the history of FHA and this is the procedure provided by the Congress and the rules and regulations have been set up under that.

Second, may I point out to you that the real test of the FHA has not yet come. We hope it will never come. But FHA, in the growing years of the agency, has carried out its functions in a rising economy; by and large we have had good times. Heaven forbid we ever have another kind of times, but the real test of the loss ratio will come if the economy begins to dip and foreclosures become imminent.

I cannot say that FHA has had no risk and that it has an unnecessarily selective credit attitude, because millions of houses have been insured and millions of people have obtained modest homes through FHA. True it is that a certain income group of people cannot obtain FHA insured mortgages. But the low downpayments came, in my opinion, through FHA, and provided millions of people with homes that could not have been bought without FHA.

Mr. BOYLE. Actually you are underwriting millions of people out of the mortgage picture.

Mr. COLE. Underwriting people out of the picture?

Mr. BOYLE. Yes; your underwriting requirements are so exclusive, predicated upon a philosophy of mortgage underwriting, that many of the people who should have qualified and would qualify under a reasonable approach to the picture do not have houses today.

Mr. COLE. Congressman, if you assume that FHA should underwrite on a sound economic basis, the answer is "No."

Mr. BOYLE. Did you not just tell me that since the inception of FHA you are contemplating a declining economy?

Mr. COLE. No.

Mr. BOYLE. And since its inception you have not had a declining economy?

Mr. COLE. I am not saying I am contemplating it. I am saying all of us should have in mind it might happen.

Mr. BOYLE. But the fact is since the inception of FHA it has not happened and you have tightened up the underwriting requirements to the extent you have only one-tenth of 1 percent mortgage failures.

Mr. COLE. We have a little different concept than you apparently have. We are delighted that we have only one-tenth or one-fourth of 1 percent mortgage failures.

Mr. BOYLE. I would expect that because your whole mortgage history indicates you are not in sympathy with the program and I would not expect it to flourish under your guidance.

Mr. COLE. I understand your point very well, but I may say to you the Congress has the right and the responsibility to change this if you do not like it.

Mr. BOYLE. That is true, but the Congress also has the right to expect that the individual who has been delegated the chore of administering this wonderful legislation will do everything possible to explore its possibilities and exhaust its potential.

Mr. COLE. I am performing my responsibilities under the law that Congress has passed. May I say I am the one who proposed the most liberal housing legislation that has yet been proposed, and it was adopted in 1954. A lot of my Republican colleagues wonder about that.

Mr. BOYLE. I want to commend you for that but I want now to talk to you about the situation that public housing has really no reference to FHA.

Mr. COLE. What is your question, sir?

Mr. BOYLE. I understood in your testimony a few minutes ago that you said you could not associate those two as one parcel.

Mr. COLE. No. As a city approaches the problem of helping provide good, decent housing in good neighborhoods for the people, I say the community itself and the civic leaders of the community must consider all the segments of housing. They must consider what can be done with public housing and what can be done with private housing. When I answered your question I meant to say that public housing and private housing each have an impact one upon the other and, therefore, it is wise for the community, as it is wise for the Federal Government, to recognize that one segment of this housing problem has a relationship to the other. FHA is not a part of the Public Housing Agency. If Congress wants it to be, all it has to do is pass a law.

Mr. BOYLE. We appreciate that, but since you are administering FHA, it seems to me you are just eliminating a lot of people who could and should qualify under a reasonable administration of that act. I do not want you to confuse that wonderful self-supporting FHA with the Public Housing Administration, which you have not done very much with.

How many public housing units have you constructed in 1955?

Mr. COLE. 1955? I do not know, Congressman, how many were constructed. The figure would relate to those that had been contracted for prior to 1955. Mr. Hunter reminds me approximately 29,500 were placed under contract in fiscal 1955. The number constructed, I do not know.

Mr. BOYLE. I did not ask that question.

Mr. COLE. I understand you did not ask that question.

Mr. BOYLE. Do you have any figures as to the number of housing units committed for in 1955?

Mr. COLE. Committed for in 1955?

Mr. BOYLE. Yes.

Mr. COLE. The answer to your question is the answer I gave a moment ago, 29,500 committed for in fiscal 1955.

Mr. BOYLE. You will not have more than that this year will you?

Mr. COLE. I do not know.

Mr. BOYLE. Under the regulation didn't the paperwork have to be finished by June 30.

Mr. COLE. Are we talking about construction or commitments?

Mr. BOYLE. I said commitments.

Mr. COLE. Yes, the second time. How many we commit this year is up to Congress. The administration has asked for 35,000. I do not know how many we will get. It is up to Congress.

Mr. BOYLE. How many did you commit for last year?

Mr. COLE. 1954, this is also a guess, right at 32,000.

Mr. BOYLE. How many of the 32,000 were ever put into construction?

Mr. COLE. They will all be constructed.

Mr. BOYLE. How many of the 29,000?

Mr. COLE. They will all be constructed. It takes, Congressman, some little time to put them under construction from the planning period, a year or year and a half and sometimes 2 years.

Mr. BOYLE. Do you have any public-housing projects in the District here?

Mr. COLE. In the District of Columbia?

Mr. BOYLE. Yes.

Mr. COLE. Oh, yes.

Mr. BOYLE. How many?

Mr. COLE. I do not know the exact number.

Mr. BOYLE. Do you have further need for public housing projects in the District?

Mr. COLE. That would be a matter for the District to decide.

Mr. BOYLE. Based on your own information and knowledge arrived at just by looking at some of the squalor you find on Seventh and Eighth Streets along there, would you say there is further need for public housing projects in the District?

Mr. COLE. That would be a matter for the District to decide. If you are asking me if there are people living in unsafe and indecent housing and in slums and squalor, the answer is "Yes."

Mr. LANE. The request must come from the municipality?

Mr. COLE. Yes, and authority must be from the municipality.

Mr. FORRESTER. May I make an observation?

Mr. LANE. Certainly, Mr. Forrester.

Mr. FORRESTER. As I understood our former colleague, the FHA is not a welfare organization?

Mr. COLE. That is true. It was never intended to be.

Mr. FORRESTER. I congratulate the gentleman on that statement. That was my understanding.

I did not understand the gentleman to say he was anticipating any depression. I got the idea the gentleman was looking at the matter from a business standpoint and was simply saying the FHA had really not been put to the test as yet as to what its losses would be.

Mr. COLE. That is right.

Mr. FORRESTER. And that as a businessman, from a business standpoint, the gentleman did not know what would happen if at some time in the future a depression should set in.

Mr. COLE. That is right.

Mr. FORRESTER. I want to congratulate the gentleman on that statement. I might say it might seem strange coming from a Democrat from South Georgia, which I am, but I am very much afraid the gentleman has correctly stated he is responsible for the most liberal FHA program we have.

Mr. COLE. I also understand I get criticism from the other side on that attitude.

Mr. LANE. May I say for the purpose of the record, Mr. Administrator, that as long as you have been in your present position at any time my particular office had occasion to seek out assistance or help from your office it has always been most cooperative and has always gone out of its way to help the various municipalities. I have the honor of representing.

Mr. COLE. I thank the gentleman very much. I would be the last one to think we could get a unanimous opinion on housing.

Mr. BOYLE. There is nothing personal at all in what I have said. It is a matter of philosophy. I think the individual responsible for this program should not thwart the program. When you take only the cream of the mortgage business, you might as well turn that over to the private mortgage lenders because anybody can make money on these silk-stockings loans. I think your underwriting requirements are too strict. After all, you are in a risk-taking business and if you are not going to take any risk there is no reason for your existence. I would like to think that an agency that has the potential to do so much good might let a lot of other poor individuals get under the program. Mortgage failures to the extent of 2 or 3 or even 5 percent would not be too much against the general underwriting of mortgages.

Mr. COLE. So that there will be no misunderstanding, unless Congress changes the law, as long as I have the responsibility, the policy will not be to establish a 5-percent loss.

Mr. BOYLE. There is a tremendous area between a 5-percent loss and a loss of one-tenth of 1 percent. If you want to be fair and not be an undertaker and bury the program, you should have some liberality.

Mr. COLE. You seem to be arguing that if I were in the automobile insurance business you would want me to crash the automobile to collect the insurance.

Mr. BOYLE. That is not a fair analogy. You do not get much security in automobile accidents.

Mr. LANE. What relationship does this questioning have to the bill that is before us this morning?

Mr. COLE. I would like to return to it if I may.

Mr. LANE. I would like to get back to it so that we can move on to the other witnesses.

Mr. COLE. Through the Public Housing Administration the Government does subsidize public housing units. I think it would be unwise for us not to look at the issue squarely. I want to look at it squarely, if I may.

In some areas of the country public housing units now are segregated; in other sections public housing units are integrated; in some few areas public housing units are integrated in the South.

Mr. BRODEN. Would it be possible for you to supply the committee with the results of your studies on that?

Mr. COLE. Yes.

Mr. LANE. What was your question, Mr. Counsel?

Mr. BRODEN. The Administrator has agreed to supply the committee with the results of studies that have been made on integrated and segregated public housing units.

Mr. LANE. That information will be made a part of the record at this point when supplied.

(The information requested is as follows:)

RACIAL OCCUPANCY PATTERN IN LOW-RENT HOUSING PROJECTS

The following table shows the types of occupancy of the various projects as of March 31, 1955:

Racial occupancy pattern:	Number of projects
Completely integrated	272
Segregated within building	6
Segregated by building	32
Completely segregated by building site	75
No pattern	53
Completely segregated	580
All white (other than Latin-American)	818
All white (Latin-American)	14
Project in transition	9
No report	19
Total	1,878

The integrated projects are all in the North and most of them in States which have State laws forbidding segregation.

The above information with respect to each project is indicated in the Low-Rent Management Directory of May 31, 1955, published by the Public Housing Administration of the Housing and Home Finance Agency. Column 4 in the directory gives this information. The codes used in this column are explained at the bottom of the first page under explanatory notes.

Mr. COLE. There are instances in the North where we have segregated and nonsegregated public housing units in a single city. We have some cities where there can be integration with no trouble at all. We have some cities where they do not lay the groundwork carefully and when Negroes are placed in a public housing project there is a terrific riot. I am pointing this out because I think we must face these issues clearly and without emotion, if possible.

I do not believe the Federal tax dollar has any color to it. I do not think the people who pay money into the Treasury—the Indian, Jew, Catholic, Protestant, white man, or dark man—I do not think his money has any color, and I do not think the Federal Government should do anything to discriminate against people by reason of the fact they do not agree with the party in power, or by reason of the

fact they have a different color, or by reason of the fact they do not like their neighbor.

So it would seem that the tax dollar which the Federal Government contributes to public housing should be treated in a nondiscriminatory fashion. Up to now the Public Housing Administration has taken the position that public housing units should be provided on a nondiscriminatory and equal basis. This sometimes means a separate but equal basis. This has been the policy of the Government for many, many years in the past, and it is the policy of the Government today. This proposed law would change that, I think.

I am not here to argue with the members of this distinguished committee as to whether the attitude of the Public Housing Administration is correct today or not. One of the reasons why this is the policy today is because Congress has not changed it. In 1949 Congress had the opportunity to change it. Senators Bricker and Cain introduced an amendment which would have prevented segregation in public housing in April 1949 which was defeated 49 to 39. Representative Marcantonio on the House side introduced a similar amendment preventing discrimination and it was defeated 173 to 122. This does not mean Congress should fail to consider whether a new law should be proposed and enacted. The point is it has not been done. Congress can tell us to change our policy.

Secondly, I think before Congress enters into its final consideration of this measure we must consider another thing. Will such an amendment or such a provision, either by the executive branch, or by the Congress, jeopardize the chances of the beneficiaries of public housing? This is a question I feel I must face as frankly as I can and, if I may humbly suggest, I think this committee should ask the question of witnesses, and then come to a determination.

There are areas in this country that are not ready to accept non-segregated housing. Will it jeopardize the beneficiaries of public housing in those areas where the majority of people occupying public housing would have difficulty getting the benefit of it?

The second question is whether or not it is constitutional. The lawyers argue—and I used to practice law—on both sides of the question. I do not know what the Supreme Court will decide. There was a case that came up from the State of California on a writ of certiorari and the writ was denied. Some lawyers argue the Supreme Court either will or has decided the question of public housing segregation or non-segregation. The issue has not been squarely presented. It seems to me the question is raised whether Congress should delay legislation until the decision is made by the Supreme Court, because any legislation it might pass will still have to be passed upon by the Supreme Court.

This does not mean Congress or myself should fail to consider whether or not the Negro is being discriminated against in the public housing field.

Under the insured mortgage program I think these questions must be considered. As the committee is well aware, I took the liberty of disagreeing with my friend on FHA. I think FHA has provided, through its insured program, modest houses for millions of people, and these millions of people are of all colors, races, creeds, and economic conditions.

The question I am considering, and that I think in my judgment the Congress must consider, is whether or not the cancellation of insurance under circumstances over which the lender may have no control, would create an uncertainty sufficient to cause a halt in the financing. This is a technical question. This is assuming that this Congress and all of us want to meet this problem fairly and squarely, as I am sure we do.

As I understand the legislation which is proposed, it provides that discrimination shall include segregation or separation. Administratively and legally I find some difficulty, and many others find some difficulty, in determining how this would be carried out.

Let me give you a little illustration of a couple of ladies discussing a situation that occurred in a neighborhood. One of the ladies was suggesting they were going to be required to move from the neighborhood, because they were the only Protestants in the neighborhood; the rest were Catholics. This one family was a Protestant family, and the Protestant family did not want their children to grow up being Catholics, and they were concerned about the fact that the Catholic children were discussing the Catholic religion with their children. I point this out for a reason. It illustrates the problem. What is segregation, or what is separation?

I happen to live in an apartment where no Negroes live, and there are many apartments in Washington where no white people live. Does this mean, then, that in the future insurance on the apartment in which I live or in a development in which I live can be canceled if no Negroes live there? Will that be per se evidence of discrimination? I do not know, but I do believe the committee should inquire of people how this would work.

Does it mean, then, that the lender would find himself subject to a lot of different shades and variations of opinion in Washington, Chicago, San Francisco, in the South, in the North, and can he with safety lend the money of his savers when he feels the Government might cancel the insurance on which he relies?

The FHA insurance is based upon the integrity of the contract with the Government, and in my opinion, we must be careful not to destroy that integrity. The FHA has, since the Supreme Court decision, set up rules and regulations whereby the FHA will not grant insurance if there is a restrictive covenant of record by reason of race, creed, or color. They go further and make the mortgagor agree that during the life of the policy they will not permit that to occur. They go further and make the lender agree that during the life of the policy that will not occur. They do not cancel the insurance if that is the case. The sanction of FHA is the right to foreclose.

How much farther should the Federal Housing Administration go? That is the only question. It is not a question of policy. The policy is agreed upon. The question is, How far shall you go?

Finally, there is the problem of prohibiting Government loans or insurance where there is discrimination contrary to the policy set out in the proposed legislation. The bill provides that before a person borrows money or is insured that he be required to sign a statement that he has read section 6 and understands it and will carry it out. The question is raised whether that is a practical solution of the situation that is before the committee. Some people have doubt that it can be enforced and feel that the difficulties involved in enforcing it are such

that you would in the end cause more difficulty in obtaining the objective that is desired if this rather vague and uncertain method of achieving it is placed in the legislation.

Mr. Chairman, I believe that is about all I have to say for the present, and, of course, I shall be delighted to answer questions such as I can on this problem.

Mr. LANE. Mr. Administrator, you stated that in some of your projects you have segregation and in some you have integration, but, all in all, have you had any real trouble by reason of any discrimination in any of these projects?

Mr. COLE. You mean trouble by reason of nondiscrimination?

Mr. LANE. Yes.

Mr. COLE. Yes. As I said in my statement, the interesting thing is that where the groundwork has been laid the trouble has been almost nil. May I illustrate that by one very important case of this kind, and I think it illustrates the situation.

In one of our great cities in the United States there are public-housing developments that are integrated, and there is no trouble; everybody gets along fine in the community, and nobody objects. In the same city there are segregated housing developments, and nobody complains particularly.

In one housing development that was all white a nonwhite woman applied for admission and was granted admission. I have the idea that it was not known when she was granted admission that she was nonwhite. When the family moved in they were obviously nonwhite, there had been no groundwork laid, no effort made to advise the people in the neighborhood and to find out how it could be done. The result was a terrible riot in that city. This riot lasted for weeks and weeks and weeks with hundreds of policemen trying to quell it.

I think what I am saying is that on the basis of what I know and what I see, a good deal can and will be done to help people get housing regardless of their race or religion, but I think before Congress or the administration moves too precipitously we should know where we are going. Even the Supreme Court, in the school cases, took a long time and are still taking a long time to condition the people to help them help themselves in these cases.

Mr. LANE. In other words, you are trying to help all the people so far as your program is concerned?

Mr. COLE. Yes; and I am not satisfied with the situation as it is. I do not want to leave the impression that I am.

Mr. FORRESTER. Mr. Chairman, may I ask a question?

Mr. LANE. Certainly, Congressman Forrester.

Mr. FORRESTER. I would like to ask the witness if he is in a position to comment on an article that appeared in a Washington paper either last year or the year before relative to an interracial housing project located in the District of Columbia. As I recall it was on Rhode Island Avenue and a loan was granted to the people who built that project.

Mr. COLE. That was FHA.

Mr. FORRESTER. It was insured by the New York Life Insurance Co.?

Mr. COLE. Yes, sir.

Mr. FORRESTER. It developed that neither the whites nor the colored would rent apartments in that apartment house and the New York

Life Insurance Co. called upon the FHA to make good their guaranty. Does the gentleman know if that is true or not true?

Mr. COLE. Mr. Forrester, I have some information about it. I do not have all the information about it. The FHA could give you that data. I do know that there was such a project. I do know that difficulty arose in obtaining tenants. I do know there is a difference of opinion concerning why this was the situation, and I do know it did get into financial difficulties. I am not hedging on the answer: I just do not know all the ramifications about it. I think there are people in this room who have the story on one side, and I think we can get the record of FHA.

Mr. FORRESTER. The gentleman does not have to assure me that he is not hedging. I have known him when he was a Member of Congress, and I know he does not hedge. I know the gentleman could not possibly know all the facts about all these cases that come up. But I wonder if the gentleman knows that the New York Life Insurance Co. did call upon FHA to make good on their guaranty and whether the Government did make good on the guaranty?

Mr. COLE. I do not know. If the Congressman likes, we will furnish it for the record.

Mr. LANE. Yes, we will be glad to have it in the record at this point.

Mr. COLE. I can have FHA furnish that information.

(The following information was furnished for the record:)

FACTS CONCERNING THE RHODE ISLAND PLAZA HOUSING DEVELOPMENT IN
WASHINGTON, D. C. .

The original FHA commitment for the project was issued on February 28, 1950, and construction was begun in December of that year. The project was completed and FHA approved the rent schedule and gave its occupancy permission on March 20, 1952. The mortgage first went into default in September and October of 1952; again in January and February of 1953; and finally in April and May of 1954. The last default was not corrected and, as a result, the New York Life Insurance Co. (the mortgagee), assigned the mortgage to the Federal Housing Commissioner in exchange for debentures on July 22, 1954.

Since completion of construction, sufficient occupancy to meet operating expense and debt service has never been obtained. As of July 13, 1955, there were 65 vacancies out of a total of 409 available rental units. In addition to the delinquency under the mortgage, which at present amounts to \$134,833 13, covering interest and principal, the builder corporation has never been able to make deposits to a reserve fund for replacements required in multifamily projects. The reserve requirement in this case is approximately \$2,500 per month.

It does not appear that the project went into default because it was made available for "open occupancy." Through the early history of the project, there was considerable confusion as to whether or not it would be open to Negroes. Although the FHA commitment was on the basis of an agreement by the builder corporation that the project would be available to occupancy by Negro families, the sponsors had no definite promotion program to bring the availability of the housing to the attention of nonwhite people in the income range that could afford such rentals. Furthermore, no on-site rental office was provided; rather, rentals were made by writing or visiting the rental office of the sponsors which was located in Arlington, Va. On the basis of the fact that a comparatively small number of applications by Negroes had been received prior to tenancy, the builder corporation requested that the FHA waive the requirement regarding Negro occupancy and permit the project to be filled with white families. The builder rejected the suggestion that the project be opened to occupancy by white as well as Negro families. The FHA indicated that the builder was expected to hold to the original agreement to admit eligible Negro families. It was only then that the builder corporation took specific promo-

tional and other steps to market the project among Negroes. While this project was begun at a time when almost any rental space was quickly taken up by the public, such factors as these were definitely harmful in getting full occupancy.

There were also two other factors that hurt the project: First, the sponsor in its original plan had made no effort to determine the number of applicants desiring this type of housing with sufficient income to afford it, and there was little relationship between the needs of prospective tenants, and the distribution of units in the project. For example, one-bedroom units never had anywhere near full occupancy. Second, the outlawing of racial restrictive covenants by the Supreme Court in 1948 was beginning to take effect at the very time that Rhode Island Plaza came on the market. Thousands of units of housing for sale to Negroes became available in hitherto restricted areas in Washington, D. C. Naturally these sale units were absorbed by a number of Negro families who otherwise in their search for living accommodations might have been renters in Rhode Island Plaza.

Mr. LANE. Any further questions?

Mr. BRODEN. Mr. Administrator, in almost all of the programs that you are charged with administering, the local communities themselves, in effect, decide whether there shall or shall not be segregated housing?

Mr. COLE. The answer is, not "in effect"; the local communities actually do decide.

Mr. BRODEN. And there is nothing in any of the laws you are charged with administering, no provision, that puts on you the burden of determining whether there shall or shall not be segregation?

Mr. COLE. Counsel advises me that is correct, and I think it is. I do not mean I doubt the advice of counsel. I think that is correct.

Mr. BRODEN. The vast bulk of the work of your Agency in financial terms of guaranty would involve the insured mortgage program?

Mr. COLE. Of FHA; yes. It is difficult to relate one to the other when you say one is greater than the other.

Mr. BRODEN. In terms of units?

Mr. COLE. Yes, there is no question about that.

Mr. BRODEN. And the banks and mortgage companies are the ones who decide whether or not the loan shall or shall not be made?

Mr. COLE. That is right.

Mr. BRODEN. And the realtors and builders decide whether or not they shall be sold?

Mr. COLE. Yes.

Mr. BRODEN. And there is nothing in the law that gives you any authority to determine whether or not the realtors and builders will follow the policy of nondiscrimination?

Mr. COLE. No; except that under the broad constitutional authority of the executive branch I think we have the responsibility to see there is no discrimination. I think counsel is aware that when I mentioned Congress failed to enact the amendment in regard to FHA, I am not putting a burden on Congress; I am saying that is the situation.

Mr. BRODEN. Is it necessary for Congress to enact some legislation if the present policy is to be changed?

Mr. COLE. Yes; I think so. I think we have a responsibility in the executive branch. I am not going to deviate from that. We have the responsibility in the executive branch to do everything we can within the present law to prevent discrimination. If you are talking about segregation in public housing?

Mr. BRODEN. No.

Mr. COLE. Generally speaking?

Mr. BRODEN. Generally speaking.

Mr. COLE. I am afraid I cannot answer that question. I would have to think about it. I would say I am inclined to believe you are correct but it may be this whole business of the Executive trying to put it on the Congress or vice versa—

Mr. BOYLE. Will the gentleman yield?

Mr. COLE. Yes.

Mr. BOYLE. You do not feel you have to ask Congress about changing this policy as it refers to the recent Supreme Court decision?

Mr. COLE. What recent Supreme Court decision?

Mr. BOYLE. The school case.

Mr. COLE. We have nothing to do with that.

Mr. BOYLE. As regards the policy of your office in regard to segregation, do not need anything more than you have under the present law to say you will not tolerate segregation?

Mr. COLE. We do not tolerate segregation in FHA. A mortgage on property where there is a restrictive covenant of record against sale to anyone because of race, creed, or color will not be insured by FHA.

Mr. BOYLE. You do not tolerate segregation in FHA?

Mr. COLE. No.

Mr. BOYLE. And that is your policy?

Mr. COLE. Yes.

Mr. BOYLE. You do not need a law from Congress?

Mr. COLE. I think you are talking about a different thing than counsel here.

Mr. BRODEN. My point is this statute would provide certain sanctions for the invalidating of loans.

Mr. COLE. We certainly would not do that if that is your question; absolutely not. We cannot.

Mr. BRODEN. If it were determined that the realtors and builders were following a policy of segregation, this statute upon such finding would invalidate the loan?

Mr. COLE. Right.

Mr. BRODEN. And you have indicated that would be unwise or at least the question should be studied?

Mr. COLE. That is right. My opinion is that the FHA could not impose the type of a sanction that counsel mentioned.

Mr. BRODEN. Could there be any sanction imposed on the loan if the finding of segregation were made today under existing law?

Mr. COLE. Our judgment is there could not.

Mr. BRODEN. Could not be under existing law. You do have a sanction in public housing projects, I believe, a sanction of limitation on the foreclosure rights?

Mr. COLE. Yes.

Mr. BRODEN. Will you explain that, please?

Mr. COLE. That was based upon a Supreme Court decision. After the decision a regulation was adopted by FHA providing that no insurance would be granted upon a house or land which had a restrictive covenant filed of record and that if this were done then the insurance would not be granted, the contract would not be entered into. This was not in violation of a contract.

Mr. BRODEN. Was that pursuant to the statute or pursuant to the decision of the Supreme Court?

Mr. COLE. I think it was pursuant to the decision of the Supreme Court.

Mr. BRODEN. And regulations of the agency?

Mr. COLE. It was, which would indicate they do have some powers beyond what the Congress specifically sets out. Certainly in my judgment we cannot vitiate a contract and would not do so unless Congress set out the terms under which it could be done.

Mr. BRODEN. Would it be the Administrator's impression that a finding of discrimination would require more administrative work than a restrictive covenant in a deed?

Mr. COLE. There is no question about that.

Mr. BRODEN. Is it not true as to public housing that it is the local public housing authorities who determine whether or not the housing shall be segregated, integrated, or otherwise?

Mr. COLE. That is true.

Mr. BRODEN. Do you think under existing law your agency could promulgate—assuming you thought it was wise—a policy either of segregation or integration?

Mr. COLE. I do not know because the legislative history would indicate the agency cannot because Congress has turned it down both in the House and in the Senate. However, the law has yet to be determined constitutionalwise by the Supreme Court. After the Supreme Court makes its decision we are bound by that decision.

Mr. BRODEN. If the Supreme Court says it is a violation of the 14th amendment you have no doubt the administration could promulgate such a regulation?

Mr. COLE. That is right.

Mr. BRODEN. Short of that—

Mr. COLE. Short of that I am in doubt.

I want to make it very clear this does not mean that we are ignoring this problem or not working on it.

Mr. BRODEN. But under existing law you are required to work within the framework of the local housing agency?

Mr. COLE. Yes.

Mr. BOYLE. I would like to ask whether or not there has been any change in the housing policy as it refers to segregation since the pronouncement of the Supreme Court on the school question?

Mr. COLE. On the school question?

Mr. BOYLE. Yes.

Mr. COLE. I would say not. There has been a great deal of study and consideration of what the school case decision means in the housing field and this, I think, is our responsibility.

Mr. BOYLE. So in the absence of any positive law that we enact you will continue as you have been in the past—through no fault of yours, probably—to practice segregation?

Mr. COLE. Not necessarily. In answer to counsel's question I said that I am doubtful. I think we must examine the entire question. We have not solved all these questions to our satisfaction.

Mr. FORRESTER. Mr. Administrator, let me ask you this question: As I understand it—and I may have misunderstood you—as I understood it, if there were an affirmative showing that discrimination was practiced in one of these units, then the loan would be invalidated?

Mr. COLE. Under this proposed legislation.

Mr. FORRESTER. If that loan is invalidated, what happens next?

Mr. COLE. The loan could be declared immediately due and payable. The lender could foreclose. The insurance could be declared at an end.

Mr. BOYLE. That is the lender could foreclose if he wants to; is it not? He might say he has ample security and does not care about the insurance.

Mr. COLE. That is right.

Mr. BRODEN. If the mortgagee continued making his payments nothing would happen.

Mr. COLE. No. The point I was making is that in the beginning the lender is taking into consideration he has an insured loan. The insurance is a valid binding contract the Government stands behind. All I am saying is that before you pass this legislation you should assure yourselves, if the contract were made subject to possible cancellation, what impact it would have on the mortgage market.

Mr. BRODEN. Have you any comment on the civil or criminal penalties?

Mr. COLE. If Congress decides it is a violation of law I would have no objection to that. If I violate a law I should be punished. I was thinking of how it would affect the ability of a man to get a loan.

Mr. LANE. May I say to the Administrator before you close your testimony, this committee is more than glad that you have come here this morning representing the only agency of Government that has been kind enough to respond to our requests to come to the hearings. The fact that the Administrator of the Housing and Home Finance Agency came here to give his views is appreciated by this committee, especially in view of the fact there is evidently lack of interest on the part of other agencies and departments of Government to submit to us some suggestions or recommendations to help this committee. I thank the Administrator for his appearance.

Mr. COLE. Thank you, Mr. Chairman.

Mr. FORRESTER. Mr. Chairman, inasmuch as a quorum is present and I have some people waiting for me at my office, would the Chair have any objection to excusing me?

Mr. LANE. The gentleman may be excused.

We will now hear from Congressman Davidson of New York on H. R. 3418, H. R. 3419, H. R. 3420, H. R. 3421, H. R. 3422, H. R. 3423, and H. R. 3575.

Mr. LANE. You may proceed, Congressman Davidson.

STATEMENT OF HON. IRWIN D. DAVIDSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. DAVIDSON. Mr. Chairman and members of the committee, it gives me a great deal of pleasure to appear here today concerning these vital civil rights bills. I thank you for this opportunity.

As you know there are a great many measures pending which deal with this question. Many are identical and serve as evidence of the great interest in and need for the legislation proposed. There seems to be several basic groups into which these bills fall.

There are two groups of omnibus bills: The first of these, introduced by Congressmen Powell, Addonizio, Rodino, and Barratt O'Hara contain much that the other proposals embody, but adds the

so-called FEPC provisions. This I wholeheartedly support, as I do the other measures designed to insure equality of opportunity for all.

The second group of omnibus bills includes my own, H. R. 3423. These also include much that a number of the other bills propose and provide for the prohibition of discrimination in interstate transportation. It seems to me that in this area of Federal jurisdiction the enactment of such basic legislation is long overdue. The public shame of forcing certain American citizens to ride in designated areas of public conveyances and to accept inferior accommodations is abhorrent to every concept of freedom we cherish and degrades not only the person discriminated against, but the entire Nation for allowing the practice to survive. The concept of segregation remains with us in defiance of the Supreme Court and the Constitution.

The report of the Interstate Commerce Commission concerning this bill contains the very clear statement that since the present law (sec. 3 (1) Interstate Commerce Act) "neither requires nor prohibits segregation of the races" the Commission "has limited its inquiry to the question whether equal accommodations and facilities are provided for members of the two races." Discrimination is inherent in that statement. The Supreme Court ruled in *Brown v. Board of Education* (74 Sup. Ct. 686), "Separate * * * facilities are inherently unequal." The Court, to its everlasting credit has discarded the ancient mockery of freedom called "separate but equal." Shall we do less? I am told that we received the best international press we have had since the Marshall plan, as a result of the Supreme Court decision. If we were to act now to eliminate this shameful condition on the eve of the Four Power Conference at Geneva, it would, I am sure, be most helpful to the President and to the cause of freedom which we so earnestly espouse.

The Interstate Commerce Commission declined to openly take a position on this proposal in view of certain cases now pending before it, where the precise question at issue is involved. It is my understanding that the two cases which are cited have been pending for some time. In view of this reluctance or hesitancy on the part of the Commission and the emphatic decision of the Supreme Court, it would seem all the more urgent for Congress to act now and prevent any further delay in eliminating finally this rejected doctrine.

The next group of bills generally deal with a form of murder sometimes called lynching. That such legislation outlawing mob violence and granting the injured the opportunity to recover damages has not been previously enacted is most surprising to me.

Similarly, the next group of bills, relating to activities which can be characterized as Klu Klux Klan marauding, would certainly appear as appropriate in reaffirmance of the constitutional guaranties upon which our society is based. Lest it be thought that such activity no longer plagues us, I have here a small clipping from a magazine published this week reporting such an incident near Chicago where there was gunfire.

The fourth group of bills would authorize the creation of a Commission on Civil Rights in the executive branch of the Government. We are all most conscious of the war being waged around the world for the minds and hearts of men. The Communists use every trick in the book to picture themselves as the champions of the downtrodden. We spend millions of dollars annually throughout the world to combat

this falsehood and to promote the true concept of freedom and democracy which is our heritage. We delude ourselves if we think that excessive security safeguards can prevent Communist propaganda from influencing minds which are constantly subjected to injustice and intolerance. The Supreme Court pointed this out in the Brown case, when they held that the impact of segregation is greater when it has the sanction of the law.

The next group of bills is intended to strengthen the law relating to the right of qualified citizens to vote freely for candidates of their own choice. Intimidation of voters and discrimination against certain otherwise eligible citizens is the mark of dictatorship. The violation of these rights in this free Nation should be made the subject of stringent penalties, both civil and criminal, as these bills propose.

The next to last group provides for the reorganization of the Department of Justice by the creation of a new Civil Rights Division. This Division coupled with an augmented FBI, as these bills propose, would do much for the preservation and enforcement of the civil rights secured by the Constitution and laws of the United States.

Finally, H. R. 3420, and the other bills in the last group, would prohibit attempts to (1) hold another in peonage; (2) entice another into slavery; and (3) sell another into involuntary servitude. The prohibition against what is commonly called shanghai attempts is extended to cover all modes of transportation rather than vessels only.

It is significant to note that in connection with this proposal the Department of Justice has reported that it would have no objection to its enactment. These bills make criminal the various acts now merely proscribed by the law. Penalties imposing fines of not more than \$5,000 or imprisonment for not more than 5 years, or both, are provided for all such violations. I do not believe there can be any objection whatever to the enactment of these amendments.

There are other proposals, I know, which merit your consideration. I hope that I have not taken too much of your valuable time or delayed any other Members who wish to testify today. My own interest in this legislation and the urgent need for its enactment has prompted me to make this appeal to you. I earnestly hope you will act favorably on these bills.

Thank you.

Mr. LANE. Are there any questions of Mr. Davidson?

Mr. BURDICK. I want to compliment Judge Davidson on his very fine statement.

Mr. LANE. I also want to thank you for your very well prepared statement and analysis of the various bills that are pending before the committee. You have been very helpful to the committee in giving us a very short statement with respect to the various bills, and I wish to express to you our appreciation.

Mr. DAVIDSON. Thank you.

Mr. LANE. And we appreciate very much your coming before the committee this morning and expressing your views on this legislation.

Mr. DAVIDSON. Thank you.

Mr. LANE. Would you mind telling us whether you know of many lynch cases? We have had the matter brought to our attention from time to time before the Judiciary Committee, and this committee has brought it to the attention of the public through the years. I think the

subcommittee and the full committee has done much to allay this malicious and vicious practice, by concentrating the attention of the people of the country on it.

Mr. DAVIDSON. Yes, In answer to your question, Mr. Chairman, I am informed of only one, which was brought to my attention by Congressman Roosevelt; I think that took place in California. He discussed it with me and told me about it. That is one that I have heard of in recent times.

However, may I say this: That personally I am greatly impressed with the importance of a governmental pronouncement in these affairs. I think that the problem that we are here grappling with has much to do with the attitude posed by Congress and the Government; that is, a very, very potent sector of education to our people. Just as the Nazi Nuremberg laws of September 1935 poisoned peoples' minds into thinking what they were doing was perhaps based on some sanction and some right, I think that any governmental action which condemns this sort of thing is a part of our great educational processes, and it is not always, in my humble judgment, necessary that there be a specific matter which can be pointed to as the reason for a law. I think that these laws are in consonance with our principles of American standards, of our Bill of Rights. Therefore, I feel that it would be a great help to have, as I said before, a governmental declaration condemning this sort of action.

Mr. LANE. May I thank you, Congressman Davidson, again for your statement.

Mr. DAVIDSON. Thank you.

STATEMENT OF HON. BARRATT O'HARA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. LANE. The next witness is Hon. Barratt D'Hara. Congressman O'Hara is the author of H. R. 3668.

May I say, Congressman O'Hara, that we are always happy to have you.

He is one of the most active and energetic Members of Congress, and it is a great privilege to have you come before our committee, and we will be pleased to hear you, Congressman.

Mr. O'HARA. Thank you, Mr. Chairman.

Mr. Chairman, and gentlemen of the committee, I am Barratt O'Hara, representing the Second Congressional District of Illinois.

There is not much that I can say to this committee. I wished to be here personally to show my interest and my concern. I am concerned for my country. I am concerned that very shortly there will be a conference which we hope may bring a beginning of the signs of permanent peace. And I would feel more heartened if our President were going to that conference from a land in which there was no discrimination of any sort.

Again I must be a little emotional because I feel so deeply. I feel that discrimination of any sort destroy individuals and destroys the State. The little child that grows up with a prejudice that takes the form of discrimination has a growth within him and it expands with the brain. It is something that narrows his life so that he cannot enjoy the full contentment that the individual should enjoy. It is poison and it grows and it destroys.

I think that we must start a positive program, a legislative program to wipe out discrimination in our country.

There are a number of bills that I am the sponsor of.

They are not by bills; I introduced them as sponsor.

The first is in regard to poll tax. I served in the 81st Congress when John Rankin of Mississippi was here, and I remember we had the poll-tax legislation up at that time and John was against the legislation and I was for it. And I looked into the figures and 1 person in John Rankin's district in Mississippi was the equivalent of 12 voters in my district. And I made up a list. Here was the president of a university, the superintendent of schools; here was Dr. Urey, a great scientist, and others, and 12 of those people were the equivalent of 1 voted down in Mississippi, where people did not vote, because of the poll tax.

Now, we have representative government, and is it truly a representative government when the voice of 12 of my constituents is the equivalent of the voice of 1 in a district where a voter is denied the right to vote because of the poll tax?

So very strongly I urge, and I hope the 84th Congress will do something, if not in this session, then in the second session, to vote out poll-tax legislation which should have been passed long ago.

And I would like to remark—and I think it is a sort of pattern of life—that John Rankin is not in Congress now because of the poll tax. In the reapportionment of his State it lost a Member which would not have been lost, perhaps, if they had not kept down the vote. But the very thing that he was supporting proved to be the lasso that yanked him out of Congress.

Then the next, the District of Columbia, this is the shrine that our schoolchildren come to, that our visitors come to, and I am always impressed when I look in their faces and then I see them come up from my section, and I see signs of segregation here that should not be, and there should not be any place where we have anything of that character.

And I think this is a very good bill.

Here is another one of which I am sponsor, H. R. 3691, and there are more sponsors on that.

And it creates a committee against this discrimination here in the District and I think that this bill should be passed, and it should be passed promptly.

Then the matter of fair employment: When you are denying employment to people because of discrimination, their color or their religion or for some other reason, you are denying them the right to live, because the man has to work for his support, and most men and women do have to work.

Now, when they say here we are not going to allow you to work because you are black, or because of your religion, or because of some other reason, then we are denying that person the opportunity to live. And I cannot see how anybody could object to legislation of that sort.

I do not know of anybody in our country, of any people who have not at one time or another felt the sting of discrimination. I have been told the story that when the Irish came, when my people came,

that there was discrimination; they found it hard to get employment. They were discriminated against. Of course, that was a challenge to them and they worked out of it. And I have seen other groups in my lifetime. I remember when the Polish group came and when the Lithuanians came and when the Italians, and many others, came; they all found discrimination.

Now, we have all felt it, and we all know it—and I cannot see why now we should not step out as Congress and take a positive step, and say that which we have all suffered from, and that which, if permitted to continue, is going to destroy our Nation, that we are going to stop it. That we are going to enact laws and put teeth in them and stand back of the enforcement of those laws.

Gentlemen, I appreciate tremendously the invitation to be here. I have the highest respect for this great committee. I have been so charmed with the personality of the members of this committee, and to me it was an opportunity and an honor to be invited to give, not the benefit of my thinking on this bill, but to let you know how deeply I feel the necessity of what we are trying to do in this positive approach.

And I thank you all, Mr. Chairman.

Mr. LANE. May I say right there, Congressman O'Hara, that we, on this committee, appreciate having you come before us. We know what you have done since you became a Member of Congress and we are not unmindful of the fine work which you did before you came to Congress; and we appreciate very much your bringing to this committee your own views and we appreciate your fine statement.

Mr. O'HARA. Thank you very much.

I might say, Mr. Chairman, that I made a promise to myself when I came down here—I was not young when I came—that any time I had a chance to vote against discrimination, regardless of what people might think about my vote, it would be cast always against discrimination.

Mr. LANE. And, of course, it always has been.

Are there any questions of Mr. O'Hara?

Mr. BOYLE. May I further add one thing: I have known Mr. Barratt O'Hara, who comes from my great State, and out there he is recognized as a truly great Congressman and he is recognized as having a deep understanding, not only of civil rights but, likewise, of civic responsibility and civic duties. I know that as a Congressman he is highly respected and honored because of his fine philosophy and the contribution he has made.

Mr. O'HARA. Thank you.

Mr. BURDICK. Just a moment, Mr. O'Hara.

These two Democratic members have congratulated you.

Mr. O'HARA. I remember in the 81st Congress, when we needed a Republican to vote with us, Mr. Burdick voted.

Mr. BURDICK. When these Democratic gentlemen congratulated you, it did not mean too much, but I want to congratulate you for your statement as a Republican.

Mr. O'HARA. Thank you.

Mr. LANE. Thank you very much, Mr. O'Hara.

Mr. O'HARA. Thank you.

STATEMENT OF HON. CHARLES A. VANIK, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF OHIO

Mr. LANE. The next witness we have the privilege of hearing is Congressman Vanik, of Ohio. May I say, Congressman, that we are very happy to have you here and will be pleased to have you give us the benefit of your views on this legislation?

Mr. VANIK. Thank you, Mr. Chairman and members of the committee.

I want to say at the outset that I will be very brief. I realize the hour is late and that the House has been called into session.

I just want to say that I join in the fine remarks that were made by Barratt O'Hara, who preceded me, in support of this legislation, which would provide for the removal of discrimination in interstate commerce and in interstate employment, and in the manifestation of any act of discrimination.

I was chagrined to find that there were not more Federal officials testifying in support of this legislation. As a member of the Banking and Currency Committee, I was, of course, pleased to know that Mr. Cole, of the Housing Agency, took time out to testify.

In the Banking Committee, we are dealing right now with the Export-Import Bank and the International Finance Agency, and the thought passed through my mind that the most vital, the most needed, the most exportable American product we can develop is that of tolerance, the development of respect for human dignity, and I think we cannot produce any of that for export until we have taken care of the needs at home.

I think there is a tremendous domestic need for the development of tolerance and for the development of equality and the development of respect of human dignity that would be brought about by the enactment of this legislation, which is one of the most needed phases of legislation in America.

I want to say that I am heartily in support of this legislation, like Congressman O'Hara's bill, H. R. 3689, 3697, 3691, and 3690, and a great many other similar bills like the ones that have been introduced and are being considered by the committee.

Mr. LANE. Congressman Vanik, we were pleased to have you come before us and express your interest which you have manifested in this legislation.

Mr. VANIK. Thank you very much.

Mr. LANE. There are no other witnesses scheduled for this morning, and the committee will stand adjourned, and we will have further hearings on civil-rights bill July 27, at which time we will hear from the various organizations.

(Whereupon, at 11:58 a. m., the subcommittee adjourned to meet and take further testimony on civil-rights bills, July 27, 1955.)

CIVIL RIGHTS

WEDNESDAY, JULY 27, 1955

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE No. 2 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10 a. m., in room 346, House Office Building, the Honorable Thomas J. Lane (chairman of the subcommittee) presiding.

Mr. LANE. The committee will come to order.

We shall take up at this time the continued hearings on the civil rights bills which were scheduled for consideration this morning at 10 o'clock a. m.

The committee has before it today a number of witnesses, and in view of the fact that Judge Rose is anxious to take a plane back to his home city, although he is listed as No. 5 on our witness list, I think out of courtesy to him we will ask the first witness this morning to be Judge David Rose of the Anti-Defamation League of B'nai B'rith of Boston, Mass.

Of course, I am more than happy to have Judge Rose here presenting his case before this subcommittee of the Committee on the Judiciary.

I had the honor and great privilege of serving in the Massachusetts Legislature with Judge Rose and may I say to the committee that he was one of the most outstanding and energetic men I have ever served with in any legislative body.

We are pleased and happy to have Judge Rose here as the first witness this morning in these hearings. You are more than welcome to present testimony here before the Committee on the Judiciary, and we are happy to have you.

STATEMENT OF JUDGE DAVID A. ROSE, BOSTON, MASS., CHAIRMAN, NATIONAL CIVIL RIGHTS COMMITTEE, ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH; ACCOMPANIED BY HERMAN EDELSBERG, ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH, WASHINGTON, D. C.

Judge ROSE. Mr. Chairman, I am deeply pleased by your gracious remarks, and I was going to say that I, too, am delighted to speak to a committee chaired by a former colleague of mine in the Legislature of Massachusetts.

Mr. Chairman and gentlemen, I have the honor to present the following statement in behalf of the Anti-Defamation League of B'nai

B'rith in my capacity as chairman of its national civil-rights committee. B'nai B'rith, founded in 1843, is the oldest and largest civic organization of American Jews. It has a membership of over 300,000 men and women. The Anti-Defamation League was organized in 1913 by B'nai B'rith to counteract racial and religious prejudice in the United States. The program of the league is designed to achieve the following objectives: To eliminate and counteract defamation and discrimination against the various racial, religious, and ethnic groups which comprise our American people; to advance good will and mutual understanding among American groups; and to encourage and translate into greater effectiveness the ideals of American democracy.

It is our feeling that our American system can tolerate no restrictions upon the individual which depend upon irrelevant factors such as his race, his color, his religion, or the social position to which he is born. We believe that the well-being and security of all racial and religious groups in America depend upon the preservation of our basic constitutional guaranties.

We have long recognized that any infringement of the civil rights of any group is a threat to the security of all our American people.

We have come before your committee to add our voice again to the many religious and civic groups which for the past 10 years or more have been petitioning Congress to enact civil-rights legislation. We need not at this time undertake a detailed analysis of the bills before you and their merits. This has been done comprehensively and repeatedly in the past, and at these hearings your congressional colleagues have spoken eloquently in support of their bills. Moreover, we have noted that over the years open opposition to the objectives of civil-rights legislation has virtually disappeared. At least on the surface nobody challenges the goal of equality of opportunity and the elimination of discrimination. But, of course, stubborn, and thus far successful, opposition to Federal legislation continues to exist. It no longer debates the civil rights issue on the merits; it relies almost exclusively on parliamentary maneuver and obstruction and the exercise of blunt political power. We shall limit ourselves, therefore, to a statement of the need for action by Congress—now.

We are an educational organization. We have produced and distributed vast quantities of educational materials in all the media of mass communication—from movies through car cards, through curriculum guides for the classroom—designed to promote better human relations among Americans of all backgrounds. And we, and the hundreds of organizations private and governmental, engaged in promoting the same objectives, have much cause for gratification in the great progress that has been made in many fields of American life. But we cannot blink the fact that much remains to be done and that in certain areas of American life disrespect for the rights of many Americans has the force of deeply ingrained custom, buttressed by the institutions of law. It asks too much of education to expect it to teach the young equal rights for all Americans when their community commands and enforces inequality for some Americans. It is in such problem areas that we find the law and legislation must come to the aid of the educational process to give force to the goodwill and the better instincts of the community.

We know that in many areas, law—with its moral and educational, no less than its punitive, force—has come to the aid of the program to establish better group relations. The contributions of our Supreme Court have been outstanding. The contributions of the White House—in this and earlier administrations—have been noteworthy. The records of the States and large cities in enacting fair-employment-practice legislation and legislation outlawing discrimination in colleges and resorts is a model for the National Government. Congress alone has failed to make any contribution to the fight for equal opportunity for all Americans since the end of the Civil War and the days of Reconstruction.

No less important than the substantive effects of this congressional failure are its symbolic implications. In our governmental scheme, Congress is the most popular, the most representative branch of Government. It is regarded as being closest to the people. But surely it would not serve America's interests abroad to have the world believe that in the field of civil rights Congress is a truer barometer of the hopes and aspirations, the fears and prejudices of the American people than the Supreme Court and the White House. And we for one refuse to believe that Congress has been the true exemplar of the American spirit in civil rights. We believe that the Supreme Court and the White House have more truly reflected the genius and the nobler sentiments of the American people as well as their democratic ideals.

Your committee has before it bills for the creation of a joint congressional Committee on Civil Rights and a Federal Commission on Civil Rights in the executive branch to investigate and report annually on the status of civil-rights protection in the United States.

You have measures for elevating the Civil Rights Section of the Department of Justice to division status, to be headed by an Assistant Attorney General. There are provisions before you to strengthen existing rights to vote in elections without discrimination because of race, color, religion, or national origin, and outlawing discrimination in interstate commerce.

You have anti-poll-tax and antilynching bills and measures to secure equality in opportunity in employment.

Finally, you have measures to close the loopholes in the existing civil-rights statutes passed shortly after the Civil War. These acts undertake to punish State officials and conspiracies by private individuals to deprive persons of their rights, privileges, and immunities secured under our Federal Constitution and laws. Experience has shown that there are loopholes in these well-intentioned laws, and these should be plugged. Congress should spell out the Federal rights which are protected against infringement.

Here is a great opportunity for Congress to vindicate the recent Supreme Court decision on public-school desegregation. By strengthening the old civil-rights acts, Congress could make it crystal clear that willful violation of the right of schoolchildren to equality of education without segregation is a Federal offense. Such an amendment would discourage the vigilante groups that have sprung up in certain quarters for the purpose of defying the law of the land by pressure and intimidation. Such an amendment would help to insure that the necessary adjustment to the Supreme Court decision—an ad-

justment that men of judgment and good will in the South regard as inevitable—will take place with a minimum of friction or violence, and with the due and deliberate speed that the Supreme Court called for.

All of these are sound measures that would be good for America as a whole—for its spiritual, economic, and diplomatic well-being. But I would be extremely naive if I were to suggest that this full civil-rights program could be enacted in this 84th Congress. I would be equally naive, however, if I were to suggest that the total responsibility of the liberal Members of this Congress could be discharged by merely uttering words of support for these measures in a hearing and by being recorded right in a committee rollcall.

I should like to suggest earnestly and respectfully that the task of this committee and particularly its liberal members is not so easily discharged and that its true responsibility is to cull out from the omnibus bills those measures which are politically realistic now and to work assiduously with all the resourcefulness at their command for their enactment. The challenge and the opportunity are both before this 84th Congress. It can become the first Congress since reconstruction to adopt an effective civil-rights bill.

For the last decade our country has been struggling to win the support of the hearts and minds of the peoples of the world for the democratic cause. We have been vulnerable on the score of prejudice and discrimination against darker skinned Americans, especially vulnerable among those two-thirds of the world's inhabitants who are themselves colored. We may pray that the Geneva Conference is the hopeful sign of future international cooperation and peace that President Eisenhower believes it to be, and that the struggle between freedom and totalitarianism will center largely on the economic, political, and moral planes. But if our way of life is to prevail in the world, we must close the gap between our practices and our ideals in the treatment of minority groups. And it is time, high time, that Congress made its contribution to that end. If it does, I am confident we can surmount any threat in any form to our way of life.

Thank you, Mr. Chairman.

Mr. LANE. Thank you, Judge Rose.

Mr. BURDICK. I wanted to ask the judge a question.

Mr. LANE. Congressman Burdick of North Dakota.

Mr. BURDICK. You seem to think there is quite a load resting on the liberal members of this committee to further this legislation.

Judge ROSE. That is right, sir.

Mr. BURDICK. As one who claims to be a liberal just what would you outline for me to do in a case like this?

Judge ROSE. I think the liberal members of this committee, on which I am pleased to note your presence and also to note your future connection with my native State of Massachusetts—

Mr. BURDICK. I did not ask you that.

Judge ROSE. I think this hearing should not be concluded without some romance in it.

I think you should take those bills before your committee that you think have merit and should be passed, and devote the energies of your committee to those bills, not only for the mere favorable action of this committee, but for their ultimate passage at least in the House of Rep-

representatives. It will not be sufficient to give vocal support to this legislation; they must have the militant support of this committee.

Mr. BURDICK. You know, of course, that New York has 45 Members of Congress and North Dakota has 2. You understand it is quite a battle, if I am for this legislation—which I am—to change the minds of 45 other people who may disagree with me.

Judge ROSE. I think the articulate and eloquent voice of a Member from a State that has only two Representatives can say as much as that of those who come from the heavily populated States. I think the record of the Midwest for liberal legislation has been noteworthy in American history.

Mr. LANE. Judge Rose, we are considering here today as in past hearings all of these bills, and there are about 50 in number. I know you have not had a chance to read and study all of those bills. As you have stated, some have to do with antilynching and other subjects. There is one bill, especially, by Congressman Roosevelt that proposes the establishment of a Civil Rights Commission. Do you have anything to say on that bill?

Judge ROSE. I do, and also with reference to the bill setting up a special division in the Attorney General's Office.

Mr. LANE. Yes, there is one to establish a Commission on Civil Rights in the Executive department and also to establish a Joint Congressional Committee on Civil Rights.

Judge ROSE. I think one of the most stimulating factors to the whole field of civil rights was the appointment by President Truman of a Civil Rights Committee and the very courageous report of that Committee. I think it highlighted and accentuated some of the shortcomings, if we are to achieve fully our American way of life. It stimulated the whole movement and indicated that civil rights is not something merely to be supported orally but is a part of our Government's active concern. I think the passage of such legislation and the establishment of such a Commission would contribute substantially to the movement toward full civil rights.

Mr. BURDICK. I notice you referred to the world situation and the American way of life. Do you not think the passage of some one of these bills that would be comprehensive enough would be an indication to the other nations of the world that we are just what we say we are?

Judge ROSE. That is right.

Mr. LANE. Judge Forrester of Georgia.

Mr. FORRESTER. Mr. Chairman, I want to ask the judge, referring to page 4 of your statement in the fifth paragraph, you say—

you have measures to close the loopholes in the existing civil-rights statutes passed shortly after the Civil War.

Then you say:

These acts undertake to punish State officials and conspiracies by private individuals to deprive persons of their rights, privileges and immunities secured under our Federal Constitution and laws.

As I read that, what you are saying is that these acts would undertake to punish State officials who deprive persons of their rights, privileges and immunities secured under our Federal Constitution and laws. Do I understand that correctly?

Judge ROSE. You refer to the second sentence of this paragraph:

These acts undertake to punish State officials * * *

Mr. FORRESTER. That is right.

Judge ROSE (continuing) :

and conspiracies by private individuals to deprive persons of their rights, privileges and immunities secured under our Federal Constitution and laws.

That is right, sir, State officials and private individuals who deprive persons of their rights, privileges, and immunities secured under our Federal Constitution and laws.

Mr. FORRESTER. Do I understand you to say here that these acts would undertake to punish State officials who do deprive persons of their rights, privileges and immunities secured under our Federal Constitution and laws?

Judge ROSE. That is right, as I understand these laws.

Mr. FORRESTER. In other words, if a judge commits an error and that error would have a tendency to deprive a person of his constitutional rights, that judge would be subject to punishment?

Judge ROSE. No, sir. That is not implicit nor intended. The judicial determination of a judge is privileged on his part and any legal interpretation by him could not by any stretch of the imagination, unless it were malicious—and I would not even say that—be within the purview of this legislation.

Mr. FORRESTER. I understood you to say if a judge erred in an opinion and it actually did impinge on a person's constitutional rights, he would not be subject to prosecution under this legislation; is that right?

Judge ROSE. He would not be; no, sir.

Mr. FORRESTER. If a judge should issue a warrant charging a person with a labor contract violation, has it not been held that the mere issuance of that warrant on the part of a justice of the peace constituted a violation of that person's civil rights?

Judge ROSE. I am not sure I am familiar with that decision, but I do not think it says the mere exercise of judicial authority constituted a violation of law. There would have to be an indication that the judicial act was the result of a conspiracy to deprive a person of his civil rights.

Mr. FORRESTER. Is the gentleman familiar with the Florida case where a justice of the peace issued a warrant charging a person with a labor contract violation and the courts have held that the issuance of that warrant was a violation of the person's civil rights?

Judge ROSE. I am not familiar with that but I would like to read that decision at least twice before I would come to that interpretation. I think it is the abuse of power rather than the exercise of power that would constitute the crime.

Mr. FORRESTER. How would you determine whether it was an abuse of power?

Judge ROSE. That would require a determination of the facts to determine the motivating factors. I do not think I can give you an example offhand at the moment.

Mr. FORRESTER. Of course we would not impose a burden on any judge, including you and me, to know all the law.

Judge ROSE. I am ready to make a confession that I am far from achieving that.

Mr. FORRESTER. So am I; that is why I am apprehensive of the language you are using here.

Judge ROSE. I am giving you here in capsule form the general principles of legislation involved in this rather than the specific bills. The general principles of the legislation undertakes to punish State officials and conspiracies by private individuals aimed at depriving persons of their rights, privileges and immunities secured under our Federal Constitution and at those who deprive them of these rights with malicious motivation.

Mr. FORRESTER. You did not say that.

Judge ROSE. I did not mean to refine the language, but I assure you that is what I intended to say.

Mr. BURDICK. I think you intended just what you said, and you said it all right in my opinion. If these officers conspire, either with other officers or private individuals, to deprive a person of his rights, do you not think they should be subject to some punishment?

Judge ROSE. If there is such a conspiracy, they should be prosecuted.

Mr. FORRESTER. That is not what the gentleman says here. The gentleman says:

These acts undertake to punish State officials and conspiracies by private individuals.

I do not think he meant to convey conspiracies on the part of State officials the way the gentleman has it in writing.

Judge ROSE. I would say this, sir, that the general purport of my whole statement would indicate that certainly the mere exercise by a State official of what he thought was proper authority on his part would not in and of itself constitute a criminal offense. I want to make that unequivocal statement.

Mr. FORRESTER. That is what I wanted clear on the record.

Judge ROSE. A person who merely exercises his authority and through judicial error on his part deprives a person of his rights is not within the purview of this legislation.

Mr. BOYLE. The law all over the United States confers an immunity on judges in the exercise of judicial authority. I took one case to the Supreme Court of the United States on that very question and that is the general proposition of law. If a judge acts in his judicial capacity, of course he is exonerated from any liability that would ordinarily come upon a private individual.

Mr. FORRESTER. Will the gentleman yield?

Mr. BOYLE. Yes.

Mr. FORRESTER. The gentleman is correct in that being the law now, but we are discussing the proposal of new law, and that is why I wanted to know if there was going to be a departure from the present law which you expressed.

Judge ROSE. No, sir.

Mr. FORRESTER. I want to ask the gentleman another question. In the last paragraph—

Judge ROSE. On the same page?

Mr. FORRESTER. Yes. You said:

By strengthening the old Civil Rights Acts, Congress could make it crystal clear that willful violation of the right of schoolchildren to equality of education without segregation is a Federal offense.

As I understand the witness, he is recommending that in instances like this a person could be prosecuted for a criminal offense?

Judge ROSE. That is right.

Mr. FORRESTER. I would like to ask the witness what he means there by saying:

Such an amendment would discourage the vigilante groups that have sprung up in certain quarters for the purpose of defying the law of the land by pressure and intimidation.

Judge ROSE. Well, shortly after the Supreme Court decision, the Congressman knows that there arose many vigilante groups in the country that were and are trying to bring about defiance of the law and who are discouraging integration in the public-school system of colored and white children. I think legislation of this type would discourage these groups. I think it is important to have Federal legislation to tell these people that Congress intends to implement the decision of the Supreme Court. These vigilante groups are now trying to discourage by pressure and intimidation and other means, particularly in the South, the carrying out of the Supreme Court decision.

Mr. FORRESTER. You feel you had a right before the Supreme Court decision to encourage anything you wanted to, but now under the Supreme Court decision you would make it a Federal offense for anybody who did not agree with you?

Judge ROSE. No, sir. I think everybody has a right to speak out in the spirit of the Constitution. Now that the Supreme Court has given its decision with unanimity, the groups that disagree with the Supreme Court decision should not be permitted to adopt any subterfuge or evasive methods to avoid carrying out the decision of the Supreme Court.

Mr. FORRESTER. Suppose a State should abolish its public-school system. Do you advocate legislation whereunder that would be an offense?

Judge ROSE. Yes, sir.

Mr. FORRESTER. In other words, you would deprive the States of being able to have any control whatever over their school systems?

Judge ROSE. I would deprive the States of trying to get around the Supreme Court decision by these means.

Mr. FORRESTER. You have said the States should have no right to abolish their public-school systems if they saw fit to do so.

Judge ROSE. If the purpose of abolishing the public-school system is to evade the Supreme Court decision, I think Federal law should prevent such action.

Mr. FORRESTER. I want to find out from you, are you advocating legislation whereunder a State would be deprived of its right to determine for itself whether it would have a public- or a private-school system?

Judge ROSE. If the purpose of the abolition is to circumvent the Supreme Court decision, Federal legislation, in my opinion, should be enacted preventing such action.

Mr. FORRESTER. I am talking of regardless what the purpose is.

Judge ROSE. I think it is important that the motivation be taken into consideration.

Mr. FORRESTER. How would you demonstrate what the motive was?

Judge ROSE. If a public-school system had been in existence for a considerable period of time vigorously supported by the State and its citizenry on a segregated basis, and if the Supreme Court should

decide such segregation is a violation of our Constitution, and if by peculiar coincidence there should be a decision by the State to abolish the public-school system, the conclusions are inevitable—and I think such action would be in direct contravention of the Supreme Court decision and the law of the land.

Mr. FORRESTER. Then you would advocate a law, a Federal law, that would prevent a State from abolishing its public-school system. It is just as simple as that.

Judge ROSE. No; it is not that simple. The purpose may be simple, but I think if the basic purpose of the abolition is to accomplish that purpose, there should be a law to prevent that.

Mr. FORRESTER. Let me see if I understand you correctly. Every State of the United States has a public-school system?

Judge ROSE. That is right.

Mr. FORRESTER. And has had for some time?

Judge ROSE. That is right.

Mr. FORRESTER. So what you are saying is that if a State had a public-school system for a number of years before the Supreme Court decision, if they should abolish the public-school system now you would hold that was a subterfuge to circumvent the Supreme Court decision and you would make it a Federal offense?

Judge ROSE. Under the circumstances I have outlined, yes.

Mr. FORRESTER. Then you are saying that no State has a right to abolish its public-school system.

Mr. BURDICK. Just a moment. That is not what I understood.

Judge ROSE. I do not accept that. It is not just one and one. It is one and one and one and the additional "one" is the intention.

Mr. FORRESTER. I cannot get any other impression. You have already conceded that every State in the United States has a public-school system. Then you said if a State should abolish its public-school system after the Supreme Court edict, that that would be construed as a subterfuge in order to avoid the Supreme Court decision.

Judge ROSE. I said if the purpose of abolishing a public-school system which may have existed over a century was to circumvent the decision of the Supreme Court, then legislation to prevent that is important and necessary.

Mr. FORRESTER. You know full well that the State of Georgia is now discussing going on a private-school system. You also know that the State of Georgia has for years had a public-school system. Actually, you are advocating that if the State of Georgia should abolish its public-school system, that it would come within this criminal statute that you advocate.

Judge ROSE. I also know that every reason advanced for abolishing the public-school system has been advanced since the Supreme Court decision and only because of the Supreme Court decision.

Mr. FORRESTER. Then you would hold the State of Georgia guilty under the criminal statute you advocate if it abolished its public-school system?

Judge ROSE. I would want Federal law to prevent Georgia or Massachusetts or any other State from violating the Supreme Court decision.

Mr. FORRESTER. You want legislation that would prevent Georgia from making any change in her school system?

Judge ROSE. Under the present circumstances of trying to circumvent the Supreme Court decision.

Mr. FORRESTER. You would want legislation to prevent that?

Judge ROSE. Under my qualification; yes, sir.

Mr. BURDICK. You admit that North Dakota, which has no segregation system at all, if they want to abolish their school system they have a right to do it?

Judge ROSE. Yes.

Mr. FORRESTER. But you would not grant Georgia the same right as North Dakota?

Judge ROSE. Only because of the motivation.

Mr. FORRESTER. It comes to this: You want a law to prevent Georgia from changing its public-school system?

Judge ROSE. Not per se.

Mr. FORRESTER. If it is not per se, what is it?

Judge ROSE. I think it is important that we discuss and determine first why Georgia wants to abolish its public-school system. If the intent is a malevolent one considering the Supreme Court decision, it should be prevented.

Mr. BURDICK. That is the ninth time you have said that. That should be enough.

Judge ROSE. I assure you the repetition is not motivated by me.

Mr. FORRESTER. Mr. Chairman, I have not objected at any time to questions asked by the gentleman from North Dakota. If I am allowed to ask these questions, I will ask them. If not, I will withdraw from this subcommittee.

Mr. BURDICK. I am not objecting to your asking the questions.

Mr. FORRESTER. You are always butting in.

Mr. BURDICK. I want to be sure North Dakota could do something Georgia could not.

Mr. FORRESTER. I am shocked by that statement. I am as interested in Georgia, and you will find I always will be, as you are in North Dakota, and I want to ask that question and I think I am entitled to an answer. In other words, Georgia is already convicted.

Judge ROSE. I, too, am interested in Georgia. As an American, I am interested in all the 48 States. I believe if the people of Georgia were given an opportunity to determine this question they would decide that the Georgia public-school system can exist under integration and integration would prove itself not to the detriment of Georgia but to its betterment.

Mr. FORRESTER. Why do you not let Georgia decide that?

Judge ROSE. So far it has been difficult for Georgia to come to a decision. I think they should have stimulus from the Federal Government at this time.

Mr. FORRESTER. You want a law on the books so that there would be no alternative?

Judge ROSE. I think Georgia should be assisted by the Federal Government to make up its mind.

Mr. FORRESTER. I want to say to the gentleman, I also am an American. I am not only an American but a descendant of the folk who fought in the Revolution. I think I am an American, too. I think the people of Georgia are Americans. But I am deeply interested in the rights of the respective States, and I was in hopes the gentleman was, too.

Judge ROSE. I am, SIR.

Mr. FORRESTER. You are, provided they go your way.

Judge ROSE. No, sir; provided they go the way the Supreme Court has decided they should go. It so happens my way coincides with the Supreme Court decision.

Mr. FORRESTER. Until a short time ago the gentleman did not have the Supreme Court decision and the gentleman was fighting just as hard then as now. I have never denied to the gentleman the right to fight. I believe if the gentleman went back through history the gentleman would find that when the Dred Scott decision was rendered an outstanding man, Abraham Lincoln by name, decried very strenuously that Supreme Court decision, and I believe he made the statement nothing is decided unless it is decided right.

I think one of the greatest things in America today is that people can have different opinions. People from the North, South, East, and West come here to Congress and although we disagree on many things we get together and we pass legislation. But what I am trying to get over to the gentleman is, will not the gentleman be a little tolerant with people who may not agree with him? Would the gentleman by criminal statute, Federal law, compel people to do something that perhaps they do not want to do.

Judge ROSE. I do not think I trespass on the spirit of tolerance when I advocate such legislation. I have a profound respect for the difference of opinion of the gentleman from Georgia. I do believe, however, that it is basic to the welfare of America that we pass legislation which does something more than we have at the present time. I think it is important that our Supreme Court decision, which is the result of a long and deliberate effort on the part of the American public to take stock of themselves and their deficiencies, be implemented on the Federal level.

Mr. FORRESTER. The *Plessy v. Ferguson* case was decided in 1896, before the gentleman was born. You are not following a policy which was in vogue in 1896. No one ever advocated a Federal law making it a Federal offense if the decision in that case was not followed. We have struggled from 1896 to date, and I am wondering why you would want to adopt the expediency of making it a criminal offense against persons who never advocated that against you.

Judge ROSE. If I had been alive at the time of the *Plessy v. Ferguson* case I do not know what kind of tolerance would have been exhibited. I believe many Southern States have laws that make it a criminal offense to differ with what is the law of the land.

Mr. FORRESTER. To differ with it?

Judge ROSE. Yes.

Mr. FORRESTER. What States?

Judge ROSE. There is legislation in many States that prohibits the mingling of the races on public carriers. I say that following the *Plessy v. Ferguson* case many Southern States passed legislation compelling segregation.

Mr. FORRESTER. But they never passed a law making you agree with them.

Judge ROSE. I do not think this law intends to do that. It says so long as it is the law of the land it should be a criminal offense to

violate it. I think there are many laws in this land with which we are all in disagreement, but we do not violate them.

Mr. LANE. Any further questions?

Mr. BURDICK. I want to ask the gentleman from Georgia; I know a little something about the Dred Scott decision. As a result we had the War Between the States. Do you think this segregation question is of the same character and that if it is not settled we may have another war between the States?

Mr. FORRESTER. I have never said anything like that by the widest stretch of the imagination. I never have advocated war; I never have.

Mr. BURDICK. I do not think the gentleman has, but I am asking you, Is this segregation question to your mind as serious now as the Dred Scott decision was?

Mr. FORRESTER. I would say that my opinion is this: People who did not like the Dred Scott decision could criticize it with impunity and there was no Federal statute passed compelling them to obey that law. In this kind of legislation it would be a criminal offense for anybody who does not agree.

Judge ROSE. No, sir; anybody that violates; not that disagrees.

Mr. FORRESTER. You say you will determine that by the background and past history.

Judge ROSE. There will be a judicial determination.

Mr. BURDICK. This is a serious question to the people of the South.

Mr. FORRESTER. It is a serious question to everybody.

Mr. LANE. Any further questions?

Mr. BOYLE. I want to compliment the judge for the way he has tried to answer these questions as forthrightly as possible. This question is not new, is it, Judge?

Judge ROSE. By no means, sir.

Mr. BOYLE. It has challenged the minds of the greatest Americans since the Civil War; is that true?

Judge ROSE. That is right, sir.

Mr. BOYLE. There has been an adjudication by the Supreme Court of the United States on the question of segregation as it refers to education; is that true?

Judge ROSE. That is right, sir.

Mr. BOYLE. And you feel that the decision is the supreme law of the land?

Judge ROSE. I do.

Mr. BOYLE. And you likewise feel that it should be obeyed?

Judge ROSE. That is right.

Mr. BOYLE. And you feel you should not do indirectly what the Court has pronounced you cannot do directly?

Judge ROSE. That is right.

Mr. BOYLE. And you feel if people form a conspiracy to circumvent the pronouncement of the Supreme Court of the United States, that matter should arrest the attention of Congress?

Judge ROSE. That is right.

Mr. BOYLE. And it is your opinion that as Congressmen we should promulgate a law, if we can, that will remedy that situation if it obtains; is that right?

Judge ROSE. That is right, sir.

Mr. BOYLE. And you do not want to have this *reductio ad absurdum* argument extended to the limits that the States do not have a right over their educational systems?

Judge ROSE. That is right.

Mr. BOYLE. The States have the primary responsibility of taking care of their educational systems?

Judge ROSE. Yes.

Mr. BOYLE. They had the right of establishing their educational systems and now it becomes a question whether they have the same negative right if they want to say by an act of their legislature they want to abolish their educational system; some court would have to determine that?

Judge ROSE. Yes.

Mr. BOYLE. Even the Supreme Court has two sides, you will find from the late Supreme Court reports, and honest minds and honest lawyers have disagreed as to what the decision is, but it is your feeling that judges who, in the exercise of a judicial act, err are not subject to punishment within the purview of the proposed legislation?

Judge ROSE. That is right.

Mr. BOYLE. But you feel that individuals who have the job of supporting the Constitution of the United States, if they go ahead and form a conspiracy to violate the supreme law of the United States, there should be some law to take them to task punitively?

Judge ROSE. That is right.

Mr. BOYLE. At the moment you probably are not too familiar with the type and language of the law on that subject?

Judge ROSE. No, sir. I have spoken in general terms, sir.

Mr. BOYLE. I want to thank you, and I want to tell you I regard myself as a liberal and I regard myself as an American, like all the rest of us, but I do say you cannot oversimplify these problems. I do agree with your recitation on page 5 that the liberal Members of Congress are charged with the responsibility of working assiduously for the enactment of civil-rights legislation. I think that statement is true. I shall be happy to do what little I can to implement the Supreme Court decision.

Judge ROSE. Thank you for clarifying what may have been a confusing statement by me.

Mr. LANE. Any further questions?

Judge ROSE, may I reiterate that I appreciate your coming here and appreciate having your fair and straightforward statement and your answers to the various questions here. I know you have been most helpful to us and we appreciate your having come here.

Judge ROSE. Thank you.

Mr. LANE. Did you want to add anything to what Judge Rose has just said?

Mr. EDELSBERG. No, Mr. Chairman; I am going to stand on what Judge Rose has said. I think Congressman Burdick has put it very well. We cannot really discuss the details of this legislation. It is a question of firm realism and will be for the Members of Congress.

Mr. LANE. Thank you.

Mr. ROSE. Thank you, Mr. Chairman.

STATEMENT OF ROY WILKINS, EXECUTIVE SECRETARY OF THE NAACP, NEW YORK, ACCOMPANIED BY CLARENCE MITCHELL, DIRECTOR, WASHINGTON BUREAU, AND J. FRANCIS POHLHAUS, COUNSEL OF THE BUREAU

Mr. WILKINS. Mr. Chairman, and members of the committee, I am Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People.

Mr. LANE. You may proceed, Mr. Wilkins.

Mr. WILKINS. First, I want to express my appreciation for the opportunity to appear before you. Accompanying me are Clarence Mitchell, director of our Washington bureau and J. Francis Pohlhaus, counsel of the bureau. Because he has served as a lawyer in the Civil Rights Section of the Department of Justice, Mr. Pohlhaus is here to answer questions that may arise with reference to the parts of the bill before the subcommittee relating to sections 241 and 242 of title 18, United States Code, and which I frankly acknowledge are beyond my technical and legal comprehension, especially as they relate to sections 241 and 242.

Mr. Chairman, we appear at this hearing with the knowledge that committee study of this type of legislation in the past has resulted in the excellent documentation of the problem, but no remedy in the form of a new law. Nevertheless, we come in good faith and also with the firm belief that, by determined effort on the part of both parties, the 84th Congress can enact the major part of the proposals before this subcommittee.

The bills before the subcommittee cover such basic subjects as fair employment, protection against violence, protection against segregation in interstate travel, protection of the right to vote, and prohibition of racial segregation in housing and education programs that receive any form of Federal assistance. Their enactment would require the establishment of a Fair Employment Practice Committee with enforcement powers, amendment of the existing civil rights laws, strengthening of the functions of the Department of Justice in the civil rights field, and other measures.

If these bills were now the law, a great part of the legislative program in the 84th Congress could be considered more objectively than is now the case. At the beginning of this session, apparently there was an agreement on the part of the Democrats to avoid the issue of civil rights. A similar code of rules had prevailed in the 83d Congress under Republican control. Yet the issue of civil rights has arisen because it is an American problem that cannot be solved simply by wishing it would go away.

When the national reserve training bill was placed before the Congress, we sought an amendment which would correct discriminatory provisions in the program sent to Congress by the Department of Defense.

Although colored people constitute from 30 to 49 percent of the population of the States in the Deep South, the representatives of those States were the chief opponents of amendments which would guarantee that the Nation could use all of its manpower in the defense forces without the handicap of racial exclusion. There is no doubt that if the right to vote were fully protected in the Southern States,

as the bills before this subcommittee would provide, there would be no necessity for such amendments.

The question of whether housing and education grants or activities of the Federal Government should be free from the taint of racial segregation has presented a dilemma for many men and women of good will in the Congress. They have seen the overriding human need for better schools, more housing, and more hospitals. Yet, they are ever conscious of the possibility that some southern Members of Congress may face political doom if these bills pass with antisegregation safeguards included. The real reason some oppose such amendments is not because these proper and germane amendments would kill the entire bill, but because it is thought that they might kill the prospects of some Senators and Representatives when these come up for reelection.

In his press conference on June 8, the President said :

My own feeling on legislation is a simple one. If you get an idea of real importance—a substantive subject and you want to get it enacted into law, then I believe the Congress and I believe our people should have a right to decide upon that issue by itself.

Mr. Chairman, these bills represent a "substantive subject" or perhaps more accurately stated, "substantive subjects." We ask that the President and the leadership of both parties openly state that they support this program and will work for passage of the bills before this subcommittee. We wish to make it clear, however, that until these bills become law we must continue to seek remedies against unfair and unlawful treatment via the amendment process.

There is the field of fair employment.

In an industrial society such as ours, the right to work is the right to self-respect, and, in some cases, the right to live.

Prior to World War II, colored citizens of the United States were forced on relief rolls in numbers far out of proportion to their place in the total population, because of discrimination.

When the war began and more manpower was needed in many northern cities, available resident colored people were denied jobs while whites were imported from the South. This created problems of housing, sewage, water supply, and many other headaches, but with the blindness that characterizes prejudice, those responsible continued to discriminate.

When industry expanded in the South and manpower needs became more acute in other areas, prejudice still interfered with the national defense but in a different way. By this time, trained colored people in the South had to leave for the west coast or northern cities to find jobs, even though the same type of work was available in their home communities, but for whites only.

We are now in a period of industrial migration from the North to the South. The enactment of a fair employment practice law would do much to make it possible for northern communities to compete with the South on the matter of labor, supply, and wage scales. Existing practices of discrimination in employment in the South have helped to keep wage levels lower than those of the North. Labor unions have not been as effective in organizing in the South because of racial discrimination.

Sometimes, employment discrimination is enforced by State law, as in South Carolina, where it is unlawful to employ colored and white

operators in the same room in the textile industry. This South Carolina statute permits any citizens of a county in which the law is violated to sue the offending company and collect \$100.

Mr. Chairman, I would like to interpolate a statement here by quoting from the South Carolina statute, because it is pertinent, not only to our discussion, but to some of the discussion that preceded my testimony.

Mr. LANE. I think it would be fine to have that. I was not familiar with that statute in South Carolina.

Mr. WILKINS. This is section 1272, Separation of Employees of Different Races in the Cotton Textile Factories. I read here from the labor laws issued by the Department of Labor, State of South Carolina. At that time the commissioner of labor was R. L. Gamble:

It shall be unlawful for any person, firm, or corporation engaged in the business of cotton textile manufacturing in this State, to allow or permit operators, help, and labor, of different races to labor and work together within the same room or to use the same doors of entrance and exit, at the same time, or to use and occupy the same pay ticket windows or doors for paying off the operators and laborers at the same time, or to use the same stairways and windows at the same time, or to use at any time the same laboratories, toilets, drinking water, buckets, pails, cups, dippers, or glasses.

This is an excerpt, sir, from the regulations of the State of South Carolina.

Mr. BOYLE. What is the date of that statute?

Mr. WILKINS. This is in the Statute of South Carolina, revised February 15, 1953.

Mr. MITCHELL. That statute is still in effect, Mr. Chairman.

Mr. BOYLE. Yes.

Mr. WILKINS. That is correct. The methods used by law-enforcement agencies to curb labor unions seeking to organize colored and white persons will be mentioned in this testimony under that portion of it dealing with violence.

In the 82d Congress, the staff of the Senate Labor Committee prepared a report on the employment and economic status of Negroes in the United States. I offer a copy of that document for the subcommittee's files.

Mr. WILKINS. The situation has not changed very much so far as discrimination is concerned. Even in a period of full employment, such as we have now, the wages paid to colored workers average \$1,570 per person, while the wages paid to whites average \$3,039.

The absurdity of discrimination is nowhere better illustrated than by the telephone companies of the United States. For years, even in northern cities, these companies refused to hire colored operators.

Responsible officials of the companies in New York, Philadelphia, and Chicago insisted that employment of colored operators would disrupt service and result in the loss of personnel. Today, these same companies employ colored operators and publicly agree that the program is a complete success.

On the other hand, beginning with Baltimore and Washington, all of the southern companies still refuse to employ colored operators. They still use the same old arguments that the companies of the North used, but later discarded in favor of the real truth.

Then in the matter of violence: Again, and again, we see newspaper stories and hear speeches expressing pleasure because of the decline in

lynching in the United States. It is true that the oldtime mob, armed with rope and faggot, has disappeared from the American scene. In its place, there is the more sophisticated and efficient system of killing by bomb, blasting with shotguns, and shooting by police officers while the victim is alleged to be "resisting arrest."

I offer the subcommittee a few examples of what I mean from our files.

On Christmas night, 1951, Mr. and Mrs. Harry T. Moore, respectable citizens with a lifelong record of community service in Mims, Fla., were killed when their home was blown up by a bomb. Mr. Moore was State secretary of the NAACP and had been active in a program to increase registration and voting among his people and to eliminate discrimination and inequality. A quiet, studious, religious man, his crime was that he wanted equality for his people. His wife was a schoolteacher of impeccable reputation and death was the penalty she paid for merely being married to him.

Then there was the case of Rev. G. F. Lee, of Belzoni, Miss., killed by a shotgun blast while riding in his car on the night of May 7, 1955. He had been threatened because he was the first of his race to register to vote in his county and because he had refused to remove his name from the voting list.

This case, I may add, is still under investigation by State and local authorities but it has been since May 7, and nothing has yet been reported or done.

Now, from 1948 to 1950, the police in Alabama were very busy and killed a total of 52 colored people, and in most of these cases, the officers said that the shooting was either accidental or in self-defense.

And another case which I have cited here in the written testimony and which I will not impose on the time of the committee to read, but we have cited a number of beatings and brutalities and I call attention only to No. 5, as it appears at the bottom of page 6 of the prepared statement, and that is the case of William Henry Owens, a 16-year-old boy, who was driving his employer, an elderly white couple, from Kentucky to Florida and was severely beaten on June 14, 1955, by Georgia State Trooper J. W. Southwell near Ellaville, Ga. From all accounts, the State trooper merely stopped the car, ordered them to pull over to the side of the road and ordered the young driver out and began beating him, and when the Mattinglys, the employer, protested, he told them to keep quiet or they would be included also.

And afterward when Officer Southwell was cleared, he said that "beating a nigger is all in a day's work."

These are some of the extensions of violence, the refinements of violence that we find as exemplified, particularly in the State of Georgia, among the examples that I have cited here.

Mr. BURDICK. Was there any cause indicated for that beating?

Mr. WILKINS. No, Congressman Burdick. No cause, no allegation of beating, no allegation of any traffic violation, that is, as we have been able to discover, and Gov. Marvin Griffin, of Georgia, in response to the request from some citizens in Atlanta, said that he was asking for a report on this matter. To date, we have seen no such report and do not know what Officer Southwell alleged was the crime that necessitated this kind of treatment.

Mr. MITCHELL. Mr. Chairman, I would just like to say further with reference to the question that Mr. Burdick raised, that on that same

page that Mr. Wilkins referred to is reference to the case of Pvt. James Wade, a man who was beaten by a policeman in Louisiana, while he was on duty with the Armed Forces. That has been extensively investigated. There is a tremendous file on it including the testimony of a white lieutenant who was the commanding officer of the outfit in which this man was serving. That lieutenant, as he indicated in his statement, actually went to the police and talked with them about what this man had done; they said "he was a smart nigger who needed the so and so beat out of him."

I ask for the right to mention that because this committee has before it a communication from Mr. David Smith, Assistant Secretary of the Air Force, dated July 19, in which he says that the questions involved in H. R. 389 are matters of broad public policy, not of primary concern to the Department of Defense. I would just like to know what more concern they need to have than the right and the obligation to protect a member of the armed services who are subjected to that kind of brutality.

Mr. WILKINS. Thank you, Mr. Mitchell.

We have, Mr. Chairman and members of the committee an exhibit from Live Oak, Fla., which from this record is live indeed.

On November 7, 1950, the NAACP reported to the Department of Justice that colored persons, in some instances children, were being beaten under what appeared to be a revived Ku Klux Klan program. On July 19, 1955, we again reported to the Department two floggings and assaults upon colored people in Live Oak. Richard Crooks, a Negro, was beaten during the month of June because he refused to let his nine children work in the tobacco fields. Mrs. Mary Ann Brown was beaten by a bill collector who was formerly a deputy sheriff.

Mr. LANE. Right there, Mr. Wilkins: Do we have any more trouble now with the Ku Klux Klan that previously operated in that area?

Mr. WILKENS. Chairman Lane, as such, under the label, Ku Klux Klan, we have very little trouble, but we have what Judge Rose referred to briefly in his testimony, vigilante groups, resembling to some degree the Ku Klux Klan, operating in various areas. I am sorry that Congressman Forrester is not here. One of these groups is organized in the State of Georgia, the National Association for the Preservation of the Rights of the Majority White People of America, I believe is the name of it.

Mr. LANE. You feel that the vigilantes are active in some of our States?

Mr. WILKENS. They are active in some of the States. This one bobbed up in Florida, whippings and floggings, although it might not be under the name of the Ku Klux Klan.

Mr. LANE. You mean they are active under another name now?

Mr. WILKENS. Under a variety of names; under a variety of names. There is not an overall national designation like Klan, and in one State you may find it—

Mr. LANE. Well, they call themselves vigilantes, do they?

Mr. WILKENS. In Virginia, where they disavow violence, I will say that for them, and in Mississippi where they also disavow violence, they are known as the White Citizens Council. In Alabama, the White Citizens Council is spread and organized; they have gone from Mississippi into Alabama. In Virginia—I am sorry; I am sure that I can recollect the name—I think it is known as the Society for the

Preservation of State Government and Individual Liberty. It is a long complicated name, but they disavow violence.

I would like to point out to the committee, however, that the formation of these groups and their naked advocacy of repression on the basis of race nullifies their protestations of no violence, because by this they encourage other people in the community and in the State to engage in violence.

Let me cite, if you will permit me, the case of Reverend Lee, of Belzoni, Miss. The White Council of Mississippi, although they had disavowed violence, and disavowed that they had ordered the killing of Reverend Lee, or that they had conspired to kill Reverend Lee, and that they did not believe in violence, that they only believed and were opposed to integration of the Negroes and the whites in public schools—that is what they said. Nevertheless, by the statements that Negroes should be prevented from voting, that Negroes should be restricted from voting, that Negroes had to be kept out of schools, and that all measures were acceptable and permissible in accomplishing these ends, they encouraged somebody in Belzoni to follow Reverend Lee in his car, at midnight on May 7, and shoot him dead. He was shot to death with a shotgun blast. They came up alongside the car and leveled a gun right at his left jaw.

Now, it is our contention, sir, that these groups, even though they are not denominated Ku Klux Klan, and even though they will not willingly accept the name "vigilantes," which we put upon them, are nevertheless encouraging the Klan spirit and the vigilante spirit, the spirit which takes the law into its own hands, resists law, and engages in intimidating minority groups.

MR. BURDICK. Let me ask your attorney a question. What was his name?

MR. WILKINS. Mr. Pohlhaus.

MR. BURDICK. In this William Ownes case, you have not found out why he was taken out and beaten up? No reason was given? Are you familiar with that case?

MR. POLHAUS. Not too familiar with it, Mr. Burdick.

MR. BURDICK. Has not your group, anyone in your group, made any examination to see what the purpose was in this attack? Why did they beat him?

MR. POLHAUS. It is my understanding that the case is still under investigation at this time.

MR. WILKINS. That is right. The case is still under investigation; the boy has gone back to Kentucky. His employers went on to Florida, continued their trip, and the boy was finally released when somebody sent word back to Kentucky, from which they came, and secured bail money. The justice of the peace was alleged to have said that he was lucky to get out for what he did, that he ought not to be released.

Congressman Burdick, I know this may sound a little incredible to you, sir, coming from North Dakota, but it is not necessary to have a reason for beating Negroes in a place like Georgia. They are not estopped by any requirement or pro forma charge; it just happens if the officer does not feel well, or does not like the way you look, or how you walk down the street, he doesn't have to have a reason. You do not necessarily have to have committed a crime.

Mr. BURDICK. I would say this is one of the greatest indictments of our system that has ever come to my attention, because that is the sort of thing that cannot continue.

Mr. MITCHELL. Mr. Burdick, I would like to observe that the difference between that kind of thing and the situation that I am sure you are familiar with here in the District of Columbia, is that, in that area, it is protocol for a police officer to treat a man as this man was treated.

You may recall that a few days ago, there was a shooting here in the District of Columbia, where a policeman had a traffic disagreement with a colored truckdriver. The policeman pursued the colored truckdriver, caught up with him and finally shot him to death. That case is now being prosecuted through the courts in the District of Columbia.

But there would be no prosecution; there has been no prosecution, and not in the foreseeable future will there be any prosecution of similar cases in the Southern States. That is why it is so important to have a Federal statute.

I say with all respect to this committee, that the attitude of the Southern States is exemplified by a member of this subcommittee, Mr. Forrester, in his attack the other day when Congressman Roosevelt was testifying with reference to the bomb murder of Mr. and Mrs. Harry Moore. You may remember that during that testimony Congressman Forrester sought to develop evidence or statements which would show that perhaps Mr. and Mrs. Moore were not respectable citizens. There is no such evidence. The great tragedy is that instead of seeking out the culprit, those in charge of the law enforcement, starting with the Governor and going on down to the judges and prosecuting attorneys and the policemen, all stand on the side of giving the policeman the right to be the judge, jury, and executioner in these situations.

Mr. BURDICK. As I understand, Mr. Chairman, this is a public hearing.

Mr. LANE. Yes.

Mr. BURDICK. I would hate to have this information get into the hands of the Russians.

Mr. MITCHELL. Yes.

Mr. LANE. I would like to ask you, Mr. Wilkins, if you will give us the names of some of the States in which this kind of thing is being followed up against Negro people.

Going back a little, as I recall, the Ku Klux Klan was formed as an organization which did violence, not only against Negro people but other good American citizens. But the vigilantes that you are speaking about, their activities, are directed to Negro people or to other persons as well?

Mr. WILKINS. At the present time, primarily against Negroes. A good many of them, Mr. Lane, have been the outgrowth of this Supreme Court's opinion of May 17, 1954, although not all of them. They all are using as an excuse, the right to disagree, as the Congressman from Georgia said, with the Supreme Court's opinion. Of course, the right to disagree, and the right to resist with violence are two different matters. But the action that has been taken in a number of our cases, such as Mr. Mitchell has indicated, have involved

Negro servicemen who are traveling from place to place throughout the South. The case here of the lieutenant in Mississippi—the beatings that have taken place—we cite one at Memphis, Tenn., one at Elm City, N. C. We cite the case of a man coming from Camp Polk, La., we had the case of another man coming from an airbase at McDill Field, Fla., over through Mississippi, and en route to St. Louis or Kansas City, or someplace north of Mississippi, being beaten by a bus driver, when the bus stopped in Mississippi, because he objected to the way the bus driver was trying to seat his wife. They were going home for her to have the child—and the bus driver struck him, and he went to the city police of this little town to tell them that the bus driver struck him and the police thereupon turned upon him and beat him and threw him in jail. And his friends—East St. Louis was the town—had to send word and money down to get him out.

These are not, I want to emphasize, the activities of any nationally organized group, but of sporadic groups that have sprung up here and there in a good many Southern States.

Mr. LANE. Will you name those States?

Mr. MITCHELL. We have, Mr. Chairman, a card file system of keeping records of violences, such as the bombing and killing by policemen, without justification and things of that sort.

I have with me approximately 25 of those cards. The States included are Alabama, Mississippi, Florida, Louisiana, and even one in the State of Maryland. And I left out Georgia; I should have included Georgia also.

Mr. LANE. You have none in New England?

Mr. MITCHELL. We have not had any.

Mr. LANE. You may proceed, Mr. Wilkins.

Mr. WILKINS. Mr. Chairman, I would like next briefly to address myself to the question of the right to vote.

Again and again, the Southern States have passed laws, devised questionnaires, and concocted devious schemes to deprive Negroes of their right to vote. The Mississippi Legislature enacted a new registration law March 24, 1955, which provides for sworn, written application for registration to vote. Registrars are instructed to designate a section of the State constitution to be copied down by the applicant. Thereafter question 19 of the application says:

Write in the space below a reasonable interpretation (the meaning) of the section of the Constitution of Mississippi which you have just copied.

Then comes question 20 which is the catchall question, which says:

Write in the space below a statement setting forth your understanding of the duties and obligations of citizenship under a constitutional form of government.

This question, Mr. Chairman, and members of the committee, is designed to give the registrar broad latitude in judging the answer of any applicant on his understanding of the duties of citizenship, and thus make it easy to disqualify him. But no sooner had Governor White of Mississippi signed the bill setting up this system than the association of county registrars protested and demanded a new bill. The association said, according to the daily newspaper reports, that written applications on file would make it difficult to explain to an investigator why a white applicant was approved and a Negro disqualified. An official is quoted as saying, "There are some things you don't want known."

In 1952 the total population of Mississippi was 2,178,914, of which 1,188,429 were white and 990,354 were Negro. Although there were 710,000 whites and 497,000 Negroes of voting age (a total of 1,207,000) only 285,000 votes were cast in the 1952 presidential election, less than 25 percent of the persons of voting age. The Negro registration in 1952 was estimated at 20,000, highest in history, yet it was only one twenty-fifth of the Negroes of voting age. How many actually were permitted to vote is not known.

In 1947 Senators Styles Bridges and Bourke B. Hickenlooper issued a report showing that campaigns to restrict voting by colored citizens in Mississippi had been highly effective. On page 21 of the Report of the Special Committee To Investigate Senatorial Campaign Expenditures in 1946, there appears a list of counties in Mississippi. In Adams County, where the colored population was 16,885, only 147 were registered voters.

Mr. BURDICK. How many out of 16,000?

Mr. WILKINS. Out of 16,885, only 147 were registered voters. Out of the white population of 10,344, over 3,000 were registered voters. In Washington County, where 48,831 colored persons lived, only 126 were registered, while out of a total of 18,568 whites in the county over 5,000 were registered.

Through changes in election laws, trick questions and economic pressure, the number of colored persons who are permitted to vote is sharply restricted. It was estimated in the spring of 1955 that Negro registration in Mississippi had been reduced from about 20,000 to about 8,000. In one county—Humphreys—the number had dropped from about 400 to 91.

Prior to the 1954 election, we received firsthand reports on how prospective voters were intimidated. Perhaps the most impressive of these accounts came from a man who said that after he paid his poll tax he was called in by his employer. The employer ordered him to tear up the poll-tax receipt and stay away from the polls on election day if he wanted to keep his job. When the man complied, the employer added as he was leaving, "You had better not tell anyone I made you do this because I don't want the FBI after me."

The strengthening of the Federal laws so that violence may be curbed and denial of the right to vote by both direct and devious means may be halted is one of the most important tasks confronting the Congress. And I believe there are bills pending before this committee for strengthening the Department of Justice, the Civil Rights Section, including closing up loopholes in the civil-rights laws, and making other corrections for situations which I have attempted to outline.

Then there is segregation of travel which the Supreme Court has just declared is a burden upon commerce and unlawful. Yet the litigation goes on because the Jim Crow signs still remain in waiting rooms and on the trains and in restaurants.

As with FEPC, the Congress has made extensive investigation on the need for legislation in this field. I offer for the subcommittee's files the hearing record before the House Committee on Interstate and Foreign Commerce on this subject.

This contains a digest of State laws, requiring segregation in travel, found at page 110 of that hearing (hearings before Committee on

Interstate and Foreign Commerce, House of Representatives, May 12, 13, and 14, 1954—p. 110—filed with the committee).

Mr. WILKINS. Questions were raised, Mr. Chairman, as to whether or not there were State laws requiring segregation. There are, of course, hundreds and hundreds of such statutes.

In conclusion, we have not attempted to review all of the bills under consideration nor have our citations above indicated our opinion of the order of importance. All these civil-rights measures are important and we have testified in support of them year after year, Congress after Congress.

We urge the enactment of all of them. It is up to the Congress to act since most of the data in support of each bill are well known through public discussion and through documentation in numerous committee hearings. We realize that committee hearings are a necessary procedure in the legislative process, but we are aware, also, that committee hearings are not enough, and that unless this legislation is reported out and acted upon on the floor of the House, the hearings amount to a meaningless gesture.

The Congress has not enacted a civil-rights law for more than 70 years. Time has marched on and changes have occurred, but the Congress has stood still. The executive branch of the Government has acted, often in an effective manner. The judicial branch of Government has acted effectively in step with the times. Some State and local governments have enacted a variety of antidiscrimination legislation, much of it in the very fields covered by the bills before this committee. This body of State and local law is working and a segment of the population is being benefited. Private organizations and institutions, such as medical societies, college fraternities, labor unions, professional associations, private colleges, have altered their policies and in their areas have translated American democratic principles into democratic practices.

Only the Congress has been laggard. Through the operations of the Rules Committee in the House and the Filibuster Rule 22 in the Senate, all such legislation has been choked off or at best passed in a meaningless and harmless fashion.

We believe the time for action is long overdue and that the patience of the people has worn thin. We believe that as they approach the 1956 election they will weigh not merely the protestations of the individual Congressmen, but the actions of both major parties in this legislation. The majority party cannot escape its responsibility, nor can the minority party deceive anyone by playing a leisurely game of volleyball with its opponents on the question of civil rights. We express the earnest hope that the 84th Congress will produce civil-rights legislation.

Thank you, Mr. Chairman.

Mr. LANE. You are aware, of course, that the first session of the Congress is almost ready to adjourn and the chances are that there will be no action in this first session.

Mr. WILKINS. Mr. Chairman, that is the reason I was careful to say the 84th Congress rather than this session of the 84th Congress.

Mr. LANE. Are there any further questions of Mr. Wilkins?

If not, we appreciate your helpful statement and also the assistance of your counsel and the contributions that were made by those who accompanied you.

If there are no further questions, we thank you very much.

Mr. MITCHELL. Before we leave, I would like to offer for the record a statement which we submitted to the House Committee on Banking and Currency with reference to housing legislation. The Administrator of the Housing and Home Finance Agency was before this committee the other day and made a number of statements which I believe this testimony would refute. I would like to have permission to offer it for the record.

Mr. LANE. Without objection that will be done.

(The testimony referred to follows:)

STATEMENT OF CLARENCE MITCHELL, DIRECTOR, WASHINGTON BUREAU, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, THURSDAY, JUNE 9, 1955

(Extract from hearings before the Committee on Banking and Currency, House of Representatives, 84th Cong., 1st sess., on H. R. 5827 (superseded by S. 2126), housing amendments of 1955)

Mr. MITCHELL. Mr. Chairman and members of the committee, I am Clarence Mitchell, director of the Washington Bureau of the National Association for the Advancement of Colored People.

The national housing program is a cruel and disgusting hoax so far as colored citizens of the United States are concerned. Each year, through the expenditures of millions of dollars in FHA, VA, and slum-clearance programs, the United States is expanding housing segregation.

It is an incredible paradox that the same Government which has valiantly and successfully fought racial segregation on other fronts is actively promoting segregation in the places where our citizens live.

An analysis of census data, 1940-50, reveals the following facts:

Nonwhites comprised 10.3 percent of the total population in 1950, but occupied only 8.6 percent of all occupied dwelling units.

The nonwhite population increased at a faster rate than the number of dwelling units it occupied—15 percent against 10 percent—whereas the reverse was true for whites—14 percent against 23 percent. For nonfarm areas alone, the nonwhite population rose by nearly 40 percent, while the number of dwelling units it occupied increased by only 31 percent.

The proportion of overcrowded units, with more than 1½ persons per room, among nonfarm dwellings occupied by nonwhites was some four times as high as that for whites.

In nonfarm housing only, the proportion of dilapidated homes among nonwhites was five times as high as among whites—27 percent as compared to 5.4 percent—and, in addition, the proportion of homes not dilapidated but lacking in one or more of piped running water, private flush toilet, private bathtub or shower, was more than twice as high among nonwhites as among whites, 35 percent as compared to 17 percent.

Although homeownership rose sharply among nonwhites during the decade 1940-50, nearly two-thirds of the nonwhite households in nonfarm areas were still renters in 1950 as compared with 45 percent of white nonfarm households.

We offer evidence found in 1950 Census of Population, covering 168 standard metropolitan areas. These data show a marked difference between whites and nonwhites in the pattern of growth within standard metropolitan areas during the decade. The increase of the white population within the central cities was 10.1 percent in contrast to 35.9 percent outside of these cities. The increase of the nonwhite population was 48.3 percent within the central cities and 32.0 percent outside. These figures, based as they are on the overall average, tend to obscure the striking contrast that exists in the cities showing significant increases of nonwhite population. In the vast majority of these cities practically all of the population increase for nonwhites has concentrated in the central city while the bulk of the increase among the white population is shown outside of the central city.

In short, the prevailing pattern is that of a central city, with rapidly increasing and spreading residency by racial minorities, ringed by expanding relatively new all-white suburban areas. The conditions under which these new areas are developed and sold or rented effectively retain them as white residential

areas whether or not racial restrictive covenants are used. Significantly, it is these areas into which most new residential construction has taken place.

In other words, to give a specific example, gentlemen, we might take the city of Washington. I think it is generally known here that the proportion of colored people in the central city of Washington increases, whereas if you look at the metropolitan area as a whole, including the suburban areas, the population ratio has remained about the same. This has come about because in the areas that surround Washington, where FHA funds have made new housing possible, the Negroes are excluded; whereas, in the central city, where old housing, which now exists, is available, we have won court cases which make restrictive covenants inapplicable. The result is if a colored man has the money and there is a willing seller, he can buy a house in Washington proper, but no matter how much money he has if he tries to buy a house in most of these suburban areas which have been made possible by FHA insurance he cannot buy it, because the owners of those developments refuse to sell them, solely because of race.

The National Association for the Advancement of Colored People has consistently urged that the Congress, the executive branch of Government, and the courts, eliminate the blight of second-class citizenship from the housing field.

Our efforts have been partly successful in that we have ended court enforcement of racial, restrictive covenants. Where there is a willing seller, and a colored purchaser has the money and access to lending resources, segregation is ending in many old housing units in metropolitan areas.

In contrast, where new housing is built with the help of the resources of the Veterans' Administration, the Federal Housing Agency, and other Federal agencies, there is an ironclad policy of building whole cities for whites only.

The classic example of this is found in Bucks County, Pa., in a development known as Levittown.

I hope the next time that any of you gentlemen go to New York you will just look to the left on the northbound train and see that huge sign which advertises "Levittown," a whole new city in Bucks County, Pa.

The builder of this development could not have done so without the aid of the Federal Government. To many he may be the example of a successful builder, but, in the eyes of minority group members who are denied housing by him solely because of race, he is a symbol of the encroachment of police-state methods in America.

In other words, he has, by his personal fiat, with the help of the Government, set up a rule in that town of several thousand people that you may bring a dog in, but you may not buy a house, if you are a colored man, even though you have the money.

Our contention is that he may have a right to do that as an individual, but he does not have a right to come in and get the Federal Government to help him to accomplish that kind of an un-American program.

The present policy of restriction in the housing field is a startling repudiation of all that the traditional supporters of free enterprise are supposed to stand for.

I included this statement about free enterprise, because I think in the housing field the free enterprise banner is raised more frequently than in almost any field that I know of. Can anyone imagine the automobile industry restricting its sales to whites only? Can anyone imagine a man who wants to sell refrigerators ignoring a substantial part of his potential market simply because that market is not white? Yet this is exactly what is happening in the real estate and housing field.

Those who have new housing to sell or land that is available for development must give assurance to lending institutions and often to local government that the housing and land will be used for whites only. There is not a single top Federal official in the housing field who does not know that is happening, and who does not by action or failure to act help to continue it.

The current policy of the Housing and Home Finance Agency is to make a lot of noise about the existence of the problem but do nothing about it. The HHFA's approach to the minority housing problem is like shooting off fireworks to scare away evil spirits.

Again and again there has been pronouncements and meetings about the problem of minority group housing. Coming out of these meetings one is keenly aware of the fact that the Housing and Home Finance Agency believes that the solution to the problem of minority group housing is the building of more segregated housing rather than integration into existing structures.

The latest report from the Housing and Home Finance Agency indicates that on May 16 Administrator Albert M. Cole announced that he would call to Washing-

ton representatives of 25 big Negro life insurance companies and banks in an effort to get more mortgage money into housing for minorities.

I would like to say, gentlemen, there is a classic illustration of what I said at the beginning about this housing program being a hoax, so far as minority groups are concerned. The Housing and Home Finance Agency called in what it said were the big Negro insurance companies who had the finance with which to build houses. They told these men who came in that this would be an off-the-record conference.

These companies represent people who have assets of about \$180 million. They have already got about 25 percent of their assets obligated for FHA mortgages.

In contrast, there are 14 big companies which have assets of about \$55 billion. Nobody invited the \$55 billion crowd in to find out how more money could be available, but they invited the colored people in who had \$180 million, and who have already got about 25 percent of their assets tied up in these FHA matters.

During the course of the meeting, and also in the written invitation, Mr. Cole assured all of these men who came down, at their own expense, incidentally, that this would be an off-the-record meeting that there would not be anything done which would embarrass them in any way.

As soon as those men left town the Housing and Home Finance Agency got out a press release on this off-the-record meeting, a page and three-quarters, single type, about what went on in the meeting. The whole purport of this release, which if the chairman will permit, I would like to leave for the record.

May I leave it for the record?

The CHAIRMAN. Yes.

(The information is as follows:)

HOUSING AND HOME FINANCE AGENCY, OFFICE OF THE ADMINISTRATOR
WASHINGTON 25, D. C.

JUNE 2, 1955.

Representatives of 16 Negro lending agencies from all parts of the country met in the Lafayette Building, in Washington, this week, at the invitation of Albert M. Cole, Administrator of the Housing and Home Finance Agency, and heard the Administrator ask for greater participation, on their part, in making FHA insured loans available to minority borrowers.

Mr. Cole pointed out that this conference was a part of a program he has already put into effect with other lending agencies, which have also been urged to increase their interest in making loans to Negro home purchasers. While he feels that there is still room for much improvement on the part of the large white insurance companies and lending agencies, he said that these conferences have definitely brought progress.

Declaring that a number of minority owned lending agencies are to be congratulated for their support, he said that most of them are not assuming their responsibility toward minority borrowers. The Administrator reminded the group that while "it is true that providing houses that are available to minorities is a social problem, it is also a financial problem which we must take mutual steps to alleviate."

He said that the rates, terms, and basis on which minority people are able to secure housing from white and minority lending agencies, in many instances, are not the same as those offered whites and that the minority-owned lending agencies, in particular, cannot afford to have a finger pointed at them as exploiters of prospective Negro home buyers. He spoke of reports, which the Government has received, which show some minority-owned lending agencies charging as much as 5 percent premium and 8 percent on mortgages.

Among the various reasons given by some of those in attendance for charging high rates was the claim that the Negro insurance companies are small and cannot afford to offer identical rates that large insurance companies offer.

"If Negro insurance companies went into the FHA mortgage business on a large scale, the low interest rate allowed by the Government would run us out of business," said one of the representatives.

The representative of another company claimed that high premiums and interest rates are levied because the mortality rate of the Negro is 10 percent greater than that of whites. Some maintained that charging a high rate of interest is simply good business and others contended that the Negro public has not been conditioned to FHA insured loans.

Norman P. Mason, Commissioner of FHA, in emphasizing the statements of Mr. Cole, told of the educational job that the Government is carrying on to

convince white lenders that the Negro market is sound. Some of these institutions are no longer exhibiting the indifference that they have in the past.

"You have a responsibility to your country to interest your selves in FHA mortgages for minority families and it must be understood that today 80 percent of our offices process an FHA loan application in 14 days," said the Commissioner.

A secondary mortgage market was suggested by one of the financiers, which would make it possible for the lending agencies to originate a much greater number of mortgages and then in time sell them to the secondary market. He proposed that in a number of cities a group of Negro organizations raise a capital of \$100,000 or more to be used for this purpose. This would open the door for the handling of many more mortgages, both conventional and FHA, by the lending agencies.

Dr. Gabriel Hauge, administrative assistant to the President, brought greetings to the meeting from President Eisenhower while Joseph R. Ray, assistant to the Administrator for Racial Relations, chaired the afternoon session.

Among those present were H. N. Brown, Atlanta Life Insurance Co., Atlanta; Maurice E. Collette, Berkeley Citizens Mutual Building Association, Norfolk; John T. Harris, Berean Building & Loan Association, Philadelphia; William R. Hudgins, Carver Federal Savings & Loan Association, New York City; R. O. Sutton, Citizens Trust Co., Atlanta; H. W. Sewing, Douglas State Bank, Kansas City, Kans.; A. L. Robinson, Quincy Savings & Loan Co., and Dunbar Life Insurance Co., Cleveland; L. C. Blount, Great Lakes Mutual Life Insurance Co., Detroit.

Also, M. Stewart Thompson, Home Federal Savings & Loan Association; B. Doyle Mitchell, Industrial Bank, Washington, D. C.; George S. Harris, Metropolitan Mutual Assurance Co., Chicago; Truman K. Gibson, Sr., and Earl B. Dickerson, Supreme Liberty Life Insurance Co., Chicago; Jefferson Beavers, Trans-Bay Federal Savings & Loan Association, San Francisco; and Val Washington, director of minorities division, Republican National Committee.

Mr. MITCHELL. The whole purport of that release is that the colored people weren't doing enough in the way of lending; that somehow this problem of colored people not getting housing could be laid at the door of these colored people, who only have \$180 million in assets, instead of at the door of these people who have \$55 billion in assets.

They even had a nasty little line in there where they said they had gotten some reports that colored people as lending institutions were charging more money in the way of interest rates than they should charge.

In other words, they made a blanket indictment of everybody who was present, without sufficient evidence to back it up, so that the net result of what they have done is to, again, make a lot of sound about what they hope to accomplish. Actually, they haven't done anything specific on the housing program so far as minority groups are concerned.

Let us suppose that these colored lending institutions do provide more funds. The immediate question which arises is what effect will this have on the segregated housing patterns in Levittown, Pa., or, indeed, in Montgomery County, Prince Georges County, and Arlington County, Va.? We might also ask what effect additional money will have on problems presented by slum-clearance programs which reducing the land space available to colored homeowners and renters in Baltimore, Md., Birmingham, Ala., Savannah, Ga., and other cities without adequate plans to see that the persons displaced are rehoused or given an opportunity to return to the area when it is redeveloped.

It is a very sad thing, gentlemen, to see people who have lived in certain areas for generations—I will mention Savannah, Ga., because that is an example. In Savannah there is an area known as the old fort area of that community. It has historical significance. A decision has been made to improve and redevelop it. A totally new public housing project has been built in Savannah. They have demolished only part of the total slum area. The picture you see when you go into that area is wonderful housing available for white people on the land area which was formerly occupied by colored people, ringed by the most miserable-looking slum shacks that you could imagine, which are occupied by colored people. Again, that has been made possible solely because of the current policy of the Federal Government in the housing field.

We have placed this problem before Congress and housing officials and the President many times.

A comprehensive suggestion for providing a remedy was submitted to Raymond Foley, Administrator of the Housing and Home Finance Agency, on January 11,

1952. Mr Foley and his aids took the suggestions under advisement. Nothing was done to correct the problem.

When the new Administrator took office, our organization met with him on March 15, 1953, to discuss the problem and to make recommendations for correction. During that year we had additional meetings with the Administrator on May 7 and July 22. It is significant that in the July 22 meeting seven major national organizations also urged the Administrator to act on this problem.

When the President sent his housing message to Congress on January 25, 1954, it contained a reference to the problem of minorities in the housing field as well as a promise that something would be done about it. Questions on what would be done have been raised with the President from time to time by various organizations, including the NAACP.

On April 7, 1954, Miss Ethel Payne, Washington correspondent of the Chicago Defender, asked the President in his press conference what was being done to implement the promise of his January 25 message. At that time he said he would look into the matter. On May 5, 1954, the same reporter asked what had been learned when he looked into the matter, and the President suggested that she check with the housing agencies for her answer.

The New York Times of August 5, 1954, carried this version of what the President said at his press conference on the previous day when he was asked about minority housing policies:

"He had tried as hard as he knew how to have accepted this idea, that where Federal funds and Federal authority were involved, that there should be no discrimination based on any reason that was not recognized by our Constitution. He would continue to do that."

On August 11, 1954, the National Association of Real Estate Brokers asked President Eisenhower to instruct Government housing agencies to revise their policies so that Government-assisted housing would be open to all qualified persons without regard to race.

As is usually the case, when Government agencies are confronted with mounting displeasure from people who are the victims of an injustice, the Housing and Home Finance Agency has chiefly relied upon high-sounding conferences to sidetrack efforts to obtain basic correction.

One such conference was held by the Administrator of the Housing and Home Finance Agency on December 9 and 10, 1954. More than 40 leading organizations of the country were represented at that conference. The overwhelming majority of those present subscribed to these recommendations which were proposed by the National Association for the Advancement of Colored People.

"The role of Government in the national economy is to maintain a free and competitive market. To fulfill this function in the field of housing, the Government must require that builders, lenders, and any others who receive Federal aid of any kind for housing programs agree that renters or buyers will be denied such housing on the basis of race. This condition must apply to all Federal housing activities. This policy will require the following:

"1. All public housing must be open to tenants without regard to race. There will be no more 'white' and 'colored' projects. Tenant selection will be made on the basis of need for housing rather than on the basis of race."

I think this committee probably knows that there are many places around the country where public housing units are empty because they have been set aside for white people. Colored people need the housing but can't get in because these housing units, which were erected with Federal help, are for whites only.

"2. There will be contractual requirement that all housing and other facilities such as parks, playgrounds, or hospitals erected or developed on land assembled through loans or grants under the slum clearance and urban redevelopment program and the urban renewal program would be open to all renters, buyers, or users without regard to race."

I would like to say that in Birmingham there is a wonderful new program that they have got underway. The purpose of that is to expand hospital facilities—a wonderful purpose. It will also have additional park areas, but the Negroes who live in that area, which is to be cleared, will be moved out. Colored doctors may not practice in that hospital. If they have patients and want to get them in, a white doctor must make it possible for them to get into that hospital, which will be expanded under this program.

There are plans afoot to see that the parks which will be available will be for whites only. Certainly it is a wonderful thing to have this redevelopment. The President has said that he does not think that any of these programs which

are slum clearance should be used for Negro clearance. We think that is wonderful.

Now, they don't call it clearance. They call it renewal. In other words, instead of clearing the Negroes out they are going to renew them out of the area where they are going to have this program.

The recommendation we made here would correct that problem.

The third thing is:

"3 On all the housing on which there is FHA insurance or VA guaranty or a commitment for such insurance or guaranty, there shall be a contractual agreement binding on those who own the property or control the sale or rental of such property that there shall be no discrimination against persons seeking to lease, rent, or purchase such property on account of race, creed, color, or national origin.

"We believe that the above position is the only honorable and legal position that the Federal Government can take in this matter. It is also in line with President Eisenhower's policy of not permitting Federal funds to be used to promote racial discrimination."

At that time, the HHFA promised that in the near future there would be some action on the problem. To date, the chief action taken by HHFA is to endorse and support a program of segregated housing sponsored by the National Association of Home Builders.

I would like to mention that the National Association of Home Builders came up with a program which they said would obligate about 10 percent of their total construction for colored people around the country. It is estimated that that would cost about a billion dollars. Even if that program were acceptable, which it is not because it is a percentage program, if we tried to follow the program that Mr. Cole and his associates had talked about, of getting colored lending institutions to support it, their \$180 million wouldn't be enough to finance that billion-dollar segregated program which Mr. Cole says is the solution to this problem.

The home builders have announced that they would attempt to set aside 10 percent of their new housing for minority group occupancy. In the fine print, however, the National Association of Home Builders has made it clear that this 10 percent will be built on "suitable sites." In other words, this housing will not only be segregated but it will also be built on land that nobody else wants. This usually means that it will be close to a rendering plant, the city dump, or an abandoned graveyard.

I was in Lake Charles, La., the other day. There I saw a new building program going up, which was supposed to be a wonderful thing for colored people. The first thing in it was a new school and right by the school was a graveyard. In other words, the least desirable land is always the land that they make available under these programs of segregated housing for colored people.

The Housing and Home Finance Agency has given a great deal of publicity to the so-called voluntary home mortgage credit program. In the 83d Congress this same problem was presented as it had been in previous Congresses. At that time the Administrator of HHFA quite properly went on record as opposing any program which would give any special treatment to colored people, and he also clearly indicated that the HHFA would wink at the special mistreatment accorded the colored homeseeker. He pledged that if voluntary efforts to solve the housing problem of colored people failed to produce results his Agency would explore other means of making funds available for minority group housing. He did not promise that he would require lenders, builders, and others who benefit from the Federal program to open new housing to all without regard to race.

This is a very late date in the history of the human race to have a great nation such as ours set up special programs for one group of citizens. If the suggestions recommended at the December 9 and 10 conference were now in effect, the greatest part of the housing problem would be behind us.

The trouble with HHFA is that it does not want a proper solution to the problem. The real purpose of calling conferences such as that held in December and the meeting of lenders and real-estate men is to try to get some endorsement of a program for segregated housing.

We believe that legislation which will provide additional public housing units which will help to clear the slums and which will make housing available to the thousands of people who need it should be passed by Congress. But we also believe that this legislation should contain proper safeguards so that not

one penny of Federal money will be used for housing that will be segregated on the basis of race.

We point out that blame for failure to include this proposal cannot be laid at the door of the South. On the full 30-man committee there are only 5 members from the Deep South—that is, on this committee. The rest are from border, Northern, and Western States.

Therefore, we urge that the following amendment be incorporated in whatever bill is reported out by this committee:

"The aids and powers made available under the several titles of this act are not to be conditioned or limited in any way on account of race, religion, or national origin of builders, lenders, renters, buyers, or families to be benefited."

Mr. BROWN (presiding). Thank you, Mr. Mitchell.

Are there any questions?

Mr. BETTS. I think you mentioned in reference to this conference that Mr. Cole had—were you present?

Mr. MITCHELL. I was present at the conference in December, Mr. Betts.

Mr. BETTS. Do you know whether or not there had been a conference called at any other time with those other insurance companies that you referred to?

Mr. MITCHELL. In the December meeting there were present some people from the mortgage bankers, some people from the home builders, and the real-estate groups. They didn't say anything much. The home builders offered this proposal of setting aside 10 percent of all the housing that they would build. They, of course, added "if they could find suitable sites," which is really no solution. There are two reasons for that: First, we reject the idea of having percentages for colored people or any other minority, and, second, if you wait for suitable sites invariably when a person says "I am going to build housing for colored people, or Chinese," or any other minority group, there are community groups which mobilize to keep that housing from being built.

Mr. BETTS. Do you know whether or not there was a conference called when those other insurance companies you mentioned that represent so many billions were present?

Mr. MITCHELL. To my knowledge, there has never been a conference of that kind. Mr. Cole has addressed them from time to time on the total housing program. He has given them the statement saying "Well, if you don't start making some money available I am going to have to do something about this problem." But there has not been a conference of these \$55-billion people similar to the conference of the \$180-million people that I referred to.

Mr. BETTS. I think you mentioned the fact that there was some sort of segregation in home building with Federal assistance in Birmingham, Ala.

Mr. MITCHELL. Yes, sir.

Mr. BETTS. You said that occurred under the current administration. What was the policy of the previous administration along that line?

Mr. MITCHELL. As we said in our testimony, we have been trying to get official attention directed to this problem for a long time. I mentioned Mr. Foley, who was under the Truman administration, as Administrator of the Housing and Home Finance Agency. We got as far with him as we have gotten with Mr. Cole. That is, nowhere.

I certainly would not want anybody to think that we are saying that this is a failure because Republicans are Republicans, or because Democrats are Democrats. We are saying it is a failure because everybody wants to shunt aside this problem and talk in glorious terms about how they are going to meet the housing needs of the country, except the Negroes, they are going to just let them stand outside and take the scraps.

Mr. BETTS. I thought you had that implication when you referred to the current administration. It has always been a problem that has existed ever since there has been FHA; is that right?

Mr. MITCHELL. I want to repeat, underscore, emphasize, and reemphasize that I didn't mean in any way to say that this was a failure that was peculiar to the Republicans. It is characteristic of both the Democrats and Republicans, I am sorry to say.

Mr. BETTS. That is all.

The CHAIRMAN. Are there any further questions?

Mr. O'Hara?

Mr. O'HARA. Thank you, Mr. Chairman.

Mr. Mitchell, I think you have made a splendid contribution and you have highlighted a situation that exists, I think, in most of our urban cities of the North, very markedly so in Chicago. To a large extent the suburbs are build-

ing up around Chicago, people moving—mostly white people—from districts where the Negro population is increasing. I know you are familiar with the situation.

Mr. MITCHELL. Yes, I am, Mr. O'Hara.

Mr. O'HARA. Our big cities, as you have pointed out so forcefully, are in the process of rebuilding, and there is need that we keep in mind that, while a beautiful city is to be desired, the real purpose of housing is to provide decent roofs over the heads of human beings. The exodus to the suburbs is unfortunate because it takes people further from their workites and also because of its relation to the segregation phase. There has been a fear in the minds of some good people—goodhearted people—that if a Negro family came in, the community was going to run down. There was that fear on the part of good people. Then there was experience. Negro families moved in. They kept their properties up to the measure of the community and they were good neighbors, and with experience the feeling of fear dissolved. I think we are approaching the happy day when no one will give any more thought to the color of a man's skin than that of his hat. But meanwhile we have a realistic situation to face in our big cities of the North.

There is an exodus of white families to the suburbs and an expanding concentration of Negro population within the cities themselves. This amounts to a continuing segregation, which is in conflict with the worldwide effort in the direction of integration.

In many of the urban improvements—and they are well motivated and they have a good purpose—the immediate effect is to destroy housing that has been occupied, and largely, by people of your race who couldn't pay high rentals, and then these families have to seek other homes, and we have this acute housing shortage, and there isn't any place for them to go.

I am glad in your testimony you have stressed this human phase. Discrimination is, I hope and pray, on its way out. I think in our country it has stemmed from poverty and misunderstanding. Your group now is going through what the group that I come from, the Irish, went through. They were poor. There was a discrimination against them. I can remember when the Polish people came in large numbers. They were poor. It has been the same with all groups. At first they resided largely in their own communities, in a sense segregated, and then as conditions improved that broke up, and I think those are the conditions you have to meet and the changes you may expect.

In my young manhood the only place that a Negro family could find for residence in Chicago was the territory adjacent to the then notorious 22d Street, and a Negro mother had to bring up her children on the fringe of an area of brothels.

It is a marvelous progress that has been made. I think that we are making progress because good people of both races are working together in a spirit of brotherhood and with respect for the rules of decency and the concepts of religion.

My position is, always has been, and always will be to the end that discrimination of any sort on the lines of color, race, religion, or station, is destructive of the individual and of the state. In my last campaign the people of my district upheld my position that as a Member of Congress it was my duty to represent all my constituents without any taint of discrimination or of special favor. I am glad that I have the honor of representing a constituency whose watchword is decency.

I think you have made a valuable contribution to these hearings by giving us the results of your studies, your observations, and your suggestions.

Mr. MITCHELL. I wish I could have said it that simply and briefly. I guess other people here wish I had been as brief, too, but in any event I want to thank you for what you have said.

I remember what happened in your campaign. I am not a person who is identified with any political party. I happen to be a voter in Maryland. I am an independent, and I vote for people on the basis of merit rather than party. Our organization takes a similar stand. I think the people of Chicago ought to be congratulated that they did not pay any attention to those appeals to bigotry that were raised in your campaign. I am glad that those who raised them found that it didn't pay off politically.

I think that one of the terrible things about the city of Chicago is that this movement of the Negro population is not a spontaneous thing. What happens in Chicago, or what happens in a great many other urban communities, is that certain real-estate interests decide that they are going to convert an area to a Negro area, or white area, or Jewish area, or some other kind of area. Then they begin selling a few homes in the area to people who are in need of

housing, who happen to be identified with a group they say must have that area. Thereafter representatives of those real-estate people go around from house to house and say, "You know Negroes are moving in this area, you had better get out," or some other kind of nationality is moving in, you had better get out. In fact, a curious thing is happening in Chicago right now. At one time the cry was, "Negroes are moving into the area, you had better get out." A lot of colored did move in and whites moved out. Now, they go and say, "Puerto Ricans are coming in, you had better get out to some other place."

Mr. O'HARA. When the Irish came, they said get out, and the same for the Jewish people and others. We have all gone through it. What we want is that there shall not be any place in our wonderful America for a taint of discrimination.

Mr. MITCHELL. Except, Mr. O'Hara, in this case there is a difference between the day that it was happening to the Irish and now that it is happening to other groups. In those days there wasn't the vast resource of the Federal Government behind those who wanted to discriminate. Today there is. In Chicago, in New York, Washington, or whatever other city this program operates in, the credit, resources, and full faith of the Federal Government, by the policies of the Housing and Home Finance Agency, are placed behind those who want to discriminate. That is a fearful weapon for achieving the segregation.

Mr. O'HARA. That is why I think it is helpful for you to be here today as a spokesman on phases of our housing program that otherwise might not have been brought out.

Mr. MITCHELL. Thank you.

* The CHAIRMAN. Are there further questions?

Mr. MULTER. Mr. Chairman.

The CHAIRMAN. Mr. Multer.

Mr. MULTER. Mr. Mitchell, I think you know what my position has been with reference to legislation of this kind, and I don't think it is necessary for me to explain that position, but in view of the discourse between you and Mr. O'Hara I think maybe I ought to say a thing or two, and then point this out to you.

New York State is one of the few States where we have a Fair Employment Practice Act which prohibits discrimination in employment. The first job I got just after high school was in a bank. I was told by my bank manager, who took a liking to me, if I wanted to stay in banking and make it my career I had better change my first name, and I asked, "Why should I change my first name?" He said, "It is distinctly Jewish, and there is no place in the banking field for a Jew."

I took his advice and changed my career. I entered law school. The first job I applied for in a law office was by answering a blind ad and a letter came back to me saying "You may call for an interview Monday morning, if you are not Jewish."

It was a large Wall Street law firm that wrote me that letter in 1918. Now, we have an FEPC law, a very strong, compulsory, good law. Yet there are still law firms and banks in the city of New York who won't take a lawyer who is a colored man or a Jew, nor is a person given an important post in a bank who is colored or a Jew. I can't recall a big bank in the city of New York where there is a colored man in a high place in a bank or for that matter in a large law firm.

Mr. MITCHELL. The chairman of our board, Dr. Tobias, is a member of the board of directors of one of the banks in New York.

Mr. MULTER. I am glad to hear it. It is the only instance I know of. I know many good lawyers who are colored men, some very fine judges, and they are among the best of the lawyers on the bench in New York. None of them were placed by any large law firm in New York in a responsible position. Yes, most of them will say they are not discriminating. Here and there they will take on a Jew or colored man and keep him on for a while, and then find some excuse to get rid of him. Instead of moving him on up because of his ability they move him on out.

The point I make is despite that law they still discriminate in the State of New York, and they will elsewhere, too, and they will do it in the housing field, too.

Now, if we have got that kind of situation in New York—and you have got it throughout the country against minority groups—you have got it in officialdom, who, while complaining about how nondiscriminatory they are, they have their own means and tests of finding out who you are and what you are, and what they will do with you, and whether they will take you on as a blind for a little while and then let you go.

With the United States Supreme Court decision in the school situation, you need no legislation. I know there are those who say, well, that applies to

schools—but I think that lays down the principle as enunciated in our Constitution, a principle that must be followed nationwide in employment and education and schools and in housing.

You recall the other day we were considering an important bill, the Reserve bill—the military forces Reserve bill—and a provision was written into the bill on the floor against discrimination. I think you will agree with me there is less discrimination in the Armed Forces today than there has ever been. We have done a pretty good job of integration in the Armed Forces. You will find an officer here or there who is going to kick around the minority man he doesn't like, but by and large they are doing a pretty good job.

They wrote into the bill on the floor a provision against segregation in the Armed Forces, and the bill died.

Now, the point I am leading up to is, will the same thing happen here? We need the housing. If we don't extend the law the whole program comes to an end. I would like to see this provision written into it. You remember when I offered this provision, not only to the committee but on the floor? Are we going to gain more by continuing the housing program and trying to weed out the officials in charge of the program who will discriminate. Even if we write it into the law as I pointed out, just as we have discrimination in employment, despite the finest law you can put on the books, both in law, banking, housing, and everywhere else—we just amended the housing law in the State of New York against discrimination, and made it apply even to FHA housing—we won't eliminate all discrimination.

If there is any executive support to the program everywhere along the line there will be no discrimination.

You and I as practical men know that if you don't get the right people to administer that program they are going to get around it. They will evade it and avoid it. Shouldn't we extend this law without this provision, rely on the Supreme Court's enunciation of the principle, and work to get better men and women in charge of these programs who won't discriminate?

Mr. MITCHELL Mr. Multer, I would like to answer you and I hope that I can.

First, I certainly would not agree that the New York fair employment practice law has not been effective. Anybody who thinks that it has not been effective has only to go to Macy's Department Store. I do it every time I go to New York. Whether I am going to buy anything or not, I just walk through the store and see democracy in action; all of those people of different races and creeds working side by side in harmony. When you pick up the telephone in New York to make a call it no longer may be that you would just get a white person answering that phone. You would get an American, regardless of race or religion. It is true that in the banks even there are people working. A young man who used to work for me is now on Wall Street working because of the fair employment practice law. So the first thing I would say with reference to the FEPC law is I think it has been effective. Of course, there will be some people who will violate it. Eventually they will be caught up with and eventually it will be completely successful.

The next thing I would like to point out is with reference to what you said about the Supreme Court decision on the school cases. It is true the Court gave a decision in the school case but the Court has given other decisions on housing. There was a time in the history of this country when, in Louisville, Ky., Richmond, Va., Baltimore, Md., there were city ordinances which said that a colored man would have to live in a certain section of town. The Lee Street Methodist Church in Richmond, Va., has two entrances. The only reason why they have two entrances in that church is because when Negroes first bought it there was a city ordinance which said they couldn't go in the door that was on that street. So they had to tear out part of the wall and build another entrance to the church in order to get around that ordinance.

A Baltimore judge ruled that a white man had as much right to a Negro living next door to him as he had to have a horse stable beside him. The courts have struck down such ordinances on the ground that the States may not have that kind of regulation. Today those regulations do not exist except in areas where the tax resources of the Federal Government under the housing program are used for the purpose of building segregated housing.

In other words, the Court ruling has been completely successful except where the Government under the present program steps in and tries to tear it down.

We have had the problem of restrictive covenants. Again and again we have had the difficulty of Negroes buying homes. There was a young friend of mine right here in Washington, a schoolteacher, who bought a home prior to the

war. His wife, two children, were fine, respectable people. They could not live in that home because there was a restrictive covenant on it which said that even though a Negro owned it he couldn't live in it.

The courts have struck that down by saying that you can put a restrictive covenant on property but you can't enforce it in court. The result is that colored people are able to buy in any neighborhood where there is existing housing, if there is a willing seller, and if they have the money to buy. The Federal Government has done the thing which the courts, we believe, prohibit, and that it, as an arm of government, has said that it will promote and extend racial segregation. The Court has said you can't enforce segregation through the courts, and it is not being enforced through the courts. It said that the legislatures may not have segregation, and the legislatures do not have segregation in the laws, but the Federal Government contends that as an administrative arm of government it is not reached by these court decisions and, therefore, they continue to segregate.

Now, Mr. Betts, you raised a question a while ago about whether we brought this problem up before the Democrats. We certainly have. I am glad Mr. Multer mentioned it, because it gives me an opportunity to tell you what happened when we did.

Mr. Multer was on the floor, and I believe Mr. Javits, the present attorney general of the State of New York, a great liberal, offered an amendment which would have accomplished the purpose that we seek here. Mr. Multer read into the record some correspondence from Mr. Bovard, who was the counsel for the FHA. The burden of that correspondence was that "we don't need this amendment because we can handle it by administrative procedure."

This was the time when the Democrats were in power.

Then after the amendment was defeated on the floor, because FHA said that they could handle it by administrative regulations, we went to FHA. FHA said "There is nothing we can do about it because if we do Congress will cut our appropriations and make it tough for us." In other words, it is just a vicious circle.

Mr. MULTER. I offered that amendment on the floor the next year.

Mr. MITCHELL. It was also attacked on that same ground by those who didn't want it, Mr. Bovard and the others, as I remember it.

You also mentioned the matter about the Reserve training program. I think one of the most awful things that anybody could mention is the fact that young men and young women are asked to go to defend their country and at the same time are asked to do it on a segregated basis. It is impossible for any reasonable person to believe that we are in such great danger, and we need all this big Reserve program, if there are going to be selfish people who will defeat it simply because it contains an amendment which says that all people may serve with dignity and honor. I would say, in answer to that question about this legislation, if attaching an amendment which says that the credit and the faith and the resources of the United States may not be used to advance segregation is the reason for killing a housing bill, then it is apparent that the housing program is not necessary in this country. Because if it really is necessary the local prejudices, the local opposition, will be subordinated to the larger interests of the country.

Mr. MULTER. I will agree with you they should be subordinated. I think it was pointed out on the floor the other day that no colored person has ever been court-martialed for treasonable activity while in the services of our country. I believe that is true. Yet there are still some people who would give up the necessity for Reserve forces for this country if they can't have their way with reference to the colored people.

I agree with you that they should put national interest and national security and their own security and that of their children first when it comes to the defense of the country, when it comes to the welfare of the country, and housing is part of the welfare of the country. Without decent housing you can't have a decent country.

Unfortunately that is not the thinking of some Members, at least on the House side. I don't know what happened on the other side. That is what happened here.

I am wondering whether or not we should take the risk and let the housing program die, or rely on ousting from Government office anyone who will not go along with the clear intent of the Constitution as declared by the Supreme Court from time to time, and as declared by our Presidents from time to time?

Mr. MITCHELL. In this case, Mr. Multer, you would have to oust the head of the Housing and Home Finance Agency. He is the person who has not made the decision that this program should be put into effect, and I am sorry to say—

Mr. MULTER. I don't think it is necessary to oust him in the first instance. I think it is necessary for the President to send for him and say "This is my program and you are my Administrator, and that is what you must do. If you can't do it then get out."

Mr. MITCHELL. That is what I was getting ready to add. I am sorry to say that there is a considerable volume of evidence to indicate that not only is the action of the Housing and Home Finance Administration acceptable to the White House, but it has been supported and insisted upon by the White House. I don't believe there is a scintilla of evidence to show that the White House supports the program of saying that the Federal Government must not be used to promote segregation in housing. So if we start talking about putting people out who don't live up to this policy that is clearly what the Constitution requires, we would have to make an extensive housecleaning.

Mr. MULTER. I said many times to my colleagues, on and off the floor, that the problem that concerns me is not so much the problem in the South. Of course, they have a problem, but I said that this problem is even a bigger problem in the North.

Am I right or not about that? Don't we have just as much if not more discrimination in the North than we do in the South?

Mr. MITCHELL. I was in Jackson, Miss., not so long ago. On the street where I had breakfast one morning colored and white people lived together in complete harmony. They will continue to live together in complete harmony on that street until the Federal Government comes in with a program of slum clearance and redevelopment under which they will tear down all those houses.

I don't think they would tear those houses down because they are very good houses—under which they tear down all those houses and say "We will build something which will be for whites only and the colored people will have to move on."

I certainly agree it isn't a problem peculiar to the South. It is a nationwide pattern. We might as well face up to it. The only way we will correct it is either by the Congress doing its duty or the Chief Executive being very clear and certain about doing something about it.

Mr. MULTER. Thank you.

The CHAIRMAN. Are there further questions?

Mr. VANIK. Mr. Mitchell, I would like, going back to your statement—and I want to make my questions business questions so we can expedite the hearing—with respect to your statement about the Bucks County situation, the Levitt project, is it your idea that the minority groups are excluded only in the first building. The resale certainly wouldn't have a preclusion?

Mr. MITCHELL. They are excluded in the first building and in the resale. When a resale takes place, it is usually controlled by the person who is builder and seller of the house.

Mr. VANIK. Is there that kind of control in Levittown on the resale?

Mr. MITCHELL. Yes, sir.

Mr. VANIK. Then, in your opinion, there should be some legislative action or administrative action to guarantee that in a resale there should be no covenant that would prescribe anyone having any control for resale?

Mr. MITCHELL. What exists now, Mr. Vanik, is that under the regulations no one may put a covenant on housing which is FHA-insured, in writing. But there are oral agreements that housing will be for white people or colored people. That is what is happening.

Mr. VANIK. How is the resale of the Levittown project house controlled?

Mr. MITCHELL. Mr. Levitt, the builder, is the one who has control over who lives in that area. A person who wants to sell, if it is known that he is going to sell to a colored person, is approached and all sorts of pressures are used to try to keep him from selling.

Mr. VANIK. Those are extraordinary pressures, outside the law, aren't they?

Mr. MITCHELL. That is right. I would like to make it clear that we believe and we urge that this protection not only be on resale, but housing that is built initially. It seems even more important that it be on housing that is built initially.

Mr. VANIK. How would your amendment, in which I see great merit, curb these extracurricular or extralegal maneuvers on the part of someone like Mr. Levitt to control his project?

Mr. MITCHELL. It would mean that if Mr. Levitt was going to build a project, he would have to assure the Federal Government that when people, that is, if he got FHA assistance, that when people came to rent a house, he wouldn't look at what color they were, but he would look at whether they meet certain standards he is asking of all standards, whether they can afford it, whether they would be desirable, and so forth.

Mr. VANIK. Suppose he gives us his promise, administrative promise. What control will you have over it?

Mr. MITCHELL. It would seem to me whatever other way you have of enforcing the provisions.

Mr. VANIK. Other than by denying future loans?

Mr. MITCHELL. That would be one very clear way. Then other controls that are part of the law would apply in this case, such as you violate any section of it. The Government would be in a position to take action against you.

Mr. VANIK. Once the builder has the loan money, it can't be taken away from him. I wondered what means could be used by the Housing Administrator, or whatever other responsible official might be involved, to procure an enforcement of such a rule.

Mr. MITCHELL. It seems clear that in that case if this law were in effect and Mr. Levitt said to a qualified person he couldn't have the house, the housing agency would have the authority to overrule Mr. Levitt on that and say that a person could occupy the house.

Mr. VANIK. In other words, you would have to provide some further legal machinery for an appeal so that a purchaser could go to some agency and make his complaint?

Mr. MITCHELL. As we see it, the machinery would be made automatically available if this amendment were part of the law. It would be the same machinery that is used for enforcement of all parts of the law.

Mr. VANIK. With respect to the projects to which you referred down in Georgia, the redevelopment projects, isn't it true that the 1954 act has already provided that the displaced people must be rehoused? We went through that problem in Cleveland and I think it is one of the things we had to insure, that the displaced people would be rehoused as an integral part of our application for urban renewal or redevelopment. Isn't that true?

Mr. MITCHELL. That is supposed to be part of the law and part of administrative regulations. As a practical matter, what happens today is when an area is to be redeveloped, very little is known about what happens to the people who are displaced. I have sat through conference after conference in the housing agencies where they tried to explain what happened to people. The most I have seen them able to account for is about 25 or 30 percent of the people who were displaced.

Generally, they don't know what happens to most of the people. They double up and go to live in other slum areas.

Mr. VANIK. I wonder if your amendment will assure that they will be rehoused?

Mr. MITCHELL. We think it would. We would welcome any suggestions on how it should be strengthened.

Mr. VANIK. I have another question.

In your judgment, then, there isn't much likelihood of an administrative order being issued that could take care of this problem; isn't that correct?

Mr. MITCHELL. I am sorry to say that is true. I feel even less like there is going to be one after what the President had to say in his press conference yesterday.

Mr. VANIK. Relating to the manpower bill?

Mr. MITCHELL. When somebody asked about the manpower, and on a general subject of segregation amendments, or antisegregation amendments, as you may recall, the President said that he thought these programs ought not to be clouded with these extraneous issues. I don't see how you can call a thing extraneous when, as in the case of the manpower bill, on May 18, 120 Members of the House voted for that amendment; on May 19, 161 of them voted against having it taken out of the bill. It seems incredible that anybody would say that this was an extraneous amendment that was supported by so many members of a qualified body of Government.

Mr. VANIK. For that reason you feel that the legislation is absolutely necessary, because the administrative policy would not bring about that result, or would probably not create the regulations?

Mr. MITCHELL. What we have tried to set forth, Mr. Vanik, is that over a period of years we tried to get administrative relief. We believed we could, but we haven't gotten it.

Mr. VANIK. Do you believe that the recommendation of 35,000 housing units is going to be adequate—the recommendation that has been made by the administration? Of course, the Senate has taken a different slant on it. What is your point of view on that?

Mr. MITCHELL. I would say I think the Senate's figure is a little more in keeping with what everybody believes is necessary.

Mr. VANIK. How, in your opinion, has the Voluntary Mortgage Loan Organization facilitated in any way the lending of money or provisions for lending of money to minority groups?

Mr. MITCHELL. It is strictly a paper program. I think they have made some 200 or more—

Mr. VANIK. 201 loans.

Mr. MITCHELL. Loans under that program, but so far as I know, very few have been for minority groups. The Housing Agency made an announcement when it made a loan to a colored man in Washington. It had a big news release on it and had a picture. It turned out there wasn't anything controversial about it. The man lived in a neighborhood where colored people were already living and apparently could have gotten aid from another source. In other words, it is sort of a hoax.

Mr. VANIK. In Cleveland they haven't made one loan, and I know there are thousands of applications.

Would you favor a more liberal FHA lending procedure by way of more realistic appraisal on older property so older property could be more readily acquired?

Mr. MITCHELL. We certainly would. We find in some instances FHA appraisals are such that make it difficult for a person to get financing on a desirable house. It would be better to have a more liberal policy.

Mr. VANIK. I think that covers my questions.

The CHAIRMAN. If there are no further questions, you may stand aside, Mr. Mitchell. Thank you.

Mr. MITCHELL. Just one final thing: You asked whether we have instances of violence coming from the State of Massachusetts. I think you know, and I am happy to say, that I know that in the State of Massachusetts, it is the public policy to proceed against that kind of thing. Nevertheless, there have been instances in which synagogues have been desecrated and other things have happened, contrary to our concept of religious freedom and respectful practice and things of that sort. The great difference between the State of Massachusetts and the State of Georgia is that in the State of Massachusetts, they move to prosecute the offender whereas the State of Georgia loses them in a fog, and is unable to find the perpetrator of such crimes.

Mr. LANE. May I say again that in the State of Massachusetts, we will always prosecute anybody who engages in such practices; we have done so in the past, and we always will in the future.

Mr. MITCHELL. Thank you very much.

STATEMENT OF WILL MASLOW, GENERAL COUNSEL, AMERICAN JEWISH CONGRESS

Mr. LANE. Our next witness is Mr. Will Maslow, general counsel, American Jewish Congress.

Mr. MASLOW. Mr. Chairman, I have a very long statement, but instead of reading it, I would like to have permission to turn it over to the reporter and ask that it be made a part of the record, and I will merely summarize the statement and jump off from the statement as such.

MR. LANE. We will be glad to have you do that, Mr. Maslow, and I appreciate your consideration of the committee. There is a very important bill up in the House today, highway legislation.

MR. MASLOW. Thank you, Mr. Chairman.

(The statement referred to follows:)

STATEMENT OF THE AMERICAN JEWISH CONGRESS PRESENTED BY WILL MASLOW,
GENERAL COUNSEL, ON CIVIL RIGHTS BILLS

The American Jewish Congress appreciates this opportunity to present to this committee its views on the civil-rights bills this committee is now considering. The American Jewish Congress is an organization of American Jews which has long been concerned with efforts to attain the goal of full equality for all Americans, a goal implicit in the philosophy of our institutions but not yet fully attained. We have participated, with other organizations, in the drafting of much of the legislation before this committee, and our representatives have frequently appeared at congressional hearings considering these and other bills.

I. INTRODUCTION

In this statement we summarize the history of civil-rights legislation in Congress since 1875, describe the civil-rights bills that have been introduced in the House of Representatives during the current session of Congress and discuss their relative values. On the basis of this discussion we suggest what we believe is a reasonable program in support of civil rights in the present Congress.

The pending bills are listed in the appendix to this statement.

At least 95 civil-rights bills have been introduced in the House of Representatives at this session of Congress.¹ This hearing has been called specifically to consider 51 bills that have been referred to the Committee on the Judiciary. These bills deal with a number of subjects, including lynching, peonage, the right to vote, strengthening our existing civil-rights laws, establishment of a Civil Rights Division in the Department of Justice, and establishment of a permanent Civil Rights Commission. Some of the pending bills combine a number of these subjects.

At least 44 other bills dealing with one or more aspects of civil rights have been referred to the various committees of the House. This includes 10 bills on discrimination in employment (referred to the Committee on Education and Labor), 11 bills on the poll tax (House Administration), and 15 bills on discrimination in transportation (Interstate and Foreign Commerce).

The introduction of such a large number of bills by 21 Members of the House reflects widespread recognition of the need for action to protect the civil rights of American citizens. It reflects also a belief that legislative action by the United States Congress can contribute to attainment of the goal of full equality. Finally, it reflects the optimism born of the great progress that has been made toward that goal in the past 10 years.

One might assume that introduction of all these bills also indicates a belief that there is a chance that some of them will become law. That belief can hardly be entertained by anyone who is familiar with the record. Lest there be any doubt on that score, we shall review that record briefly.

II. PAST FAILURES

No Federal civil-rights law has been enacted since 1875. In that year, Congress approved the last of the post-Civil War laws designed to ease the restrictions placed upon the liberated Negro slaves by the so-called black codes of the Southern States. Continued discrimination against Negroes since that time has frequently prompted efforts to attain additional legislation. All those efforts have failed.

In 1890 the widespread use of fraud and force to deprive Negroes of the right to vote led to introduction of a Federal elections bill. It was approved by the

¹The term "civil-rights bills" means bills primarily designed to achieve intergroup equality. For the purposes of this memorandum, we have excluded bills dealing with immigration and nationality, American Indians, statehood and self-government, and loyalty, national security, and other matters affecting freedom of expression. We have also limited the memorandum to bills dealing primarily with civil-rights issues, consequently excluding general bills containing antidiscrimination clauses.

House of Representatives. In the Senate it was met by the first of a long series of filibusters that have prevented the Senate from considering civil-rights measures on their merits. Supporters of the bill did not yield to this undemocratic weapon easily on this, its first appearance. Thirty-three days of debate took place before they accepted defeat.

A steady increase in lynchings at this time prompted President Harrison in 1892 to call for Federal antilynching legislation. The first such bill was introduced in 1900. It died in committee as did similar bills introduced during the next 20 years.

Meanwhile, abuse of the privilege of unlimited debate in the Senate reached a peak in 1917, on the eve of our entrance into World War I, when filibusters blocked enactment of defense measures deemed vital by the administration. This led to adoption of the first cloture rule in the Senate. The new rule permitted termination of debate in the Senate on any pending measure by a two-thirds vote of those present.

In 1920, a House committee favorably reported an antilynching bill and in 1922 such a bill progressed to the point of approval by the House itself. However, it was blocked by a filibuster in the Senate. Antilynching bills passed by the House were thereafter killed by Senate filibusters in 1935 and 1940. The House approved anti-poll-tax bills five times between 1942 and 1949 but all were killed in the Senate by filibusters or threats of filibuster. The same fate met a fair-employment bill in 1946.

In October 1947, the President's Committee on Civil Rights, headed by Charles E. Wilson, president of General Electric, issued its report, *To Secure These Rights*. It explicitly endorsed enactment of antilynching, fair-employment, and a number of other Federal civil-rights bills. In February of the following year, President Truman submitted a 10-point civil-rights program to Congress. It was plain that the issue of full equality could no longer be ignored.

By this time, it was also plain that the cloture rule in the Senate had not achieved its aim: to prevent blocking of legislation by "a willful minority." From 1917 through 1950, 21 cloture petitions were filed but only 4 received the necessary two-thirds vote. No cloture petition on a civil-rights bill had ever been successful and innumerable civil-rights bills had died because the mere threat of a filibuster was sufficient to prevent debate in the Senate even from starting.

However, worse was yet to come. In 1948, a ruling by Senator Vandenberg, then Presiding Officer of the Senate, weakened the cloture rule still further. He held that the rule by its terms applied only to debates on a pending measure. Hence it was not available during debate on such procedural matters as a motion to consider a bill. This left the Senate with no effective procedure to limit debate.

An effort to reverse this ruling in 1949 was voted down. Thereupon, a compromise reform of the cloture rule was adopted. On the one hand, the number of votes required for cloture was raised from two-thirds of those present to two-thirds of the total membership of the Senate. On the other hand, the rule was made applicable to all matters. However, this concession had one significant exception; cloture was barred altogether on any motion to change the Senate rules.

The new rule was put to a test in 1950 after the House passed a greatly modified fair-employment bill. In 2 votes in the Senate, cloture petitions received large majorities but fell short of the 64-vote requirement of the new rule.

Since 1950, no civil-rights bill has been approved by either Chamber of Congress. An unsuccessful attempt was made at the beginning of the 1953 session of Congress to liberalize the cloture rule. Even this effort was abandoned in the present Congress.

III THE BILLS PENDING BEFORE THIS COMMITTEE

While this dismal record gives no basis for optimism as to the chances of any of the pending bills, we shall set forth briefly, for the record, their terms and relative importance.

A. Perfecting existing civil-rights laws

One group of 20 bills proposed only small changes in existing Federal civil-rights statutes. These in turn may be divided into three groups.

1. *Peonage*.—Seven bills would amend the laws on peonage and slavery. Six of these are identical (H. R. 3394, Barrett; H. R. 3420, Davidson; H. R. 3481,

Roosevelt; H. R. 3567, Chudoff; H. R. 3581, Diggs; H. R. 5344, Reuss) and the seventh differs from these only slightly (H. R. 628, Celler). The chief effect of these bills would be to make attempts to hold or place a person in peonage or slavery a crime.

2. *Elections*.—Six identical bills would increase Federal protection of the right to vote (H. R. 3390, Barrett; H. R. 3419, Davidson; H. R. 3476, Roosevelt; H. R. 3569, Chudoff; H. R. 3582, Diggs; H. R. 5343, Reuss). They would amend 18 United States Code 594, which prohibits interference with the right to vote in Federal elections, to make plain its application to special and primary elections as well as general elections. They also would amend 42 United States Code 1971, which prohibits denial of the right to vote in any election on the ground of race or color, by making clear its application to discrimination in the right to qualify for voting. Finally, they would permit suits for damages and to restrain violations of these two sections by either aggrieved parties or by the Attorney General. Suits could be brought in Federal or State courts.

3. *Interferences with Federal rights*.—The third group deals with the broader protections provided by sections 241 and 242 of title 18 United States Code. These are five identical bills (H. R. 3387, Barrett; H. R. 3421, Davidson; H. R. 3474, Roosevelt; H. R. 3566, Chudoff; H. R. 3580, Diggs), one that differs from these only slightly (H. R. 5349, Reuss) and a seventh that is somewhat more limited (H. R. 258, Celler). The bills would amend section 241, which prohibits conspiracies to interfere with Federal rights, by (a) making it applicable to all inhabitants of the country rather than to only citizens, (b) prohibiting the interference itself as well as the conspiracies covered by the existing law, and (c) adding to the criminal penalty of the section a provision permitting aggrieved persons to sue in the Federal or State courts.

The bills would amend section 242 of title 18, which prohibits deprivation of rights under color of law, primarily by adding to the present penalty of a \$1,000 fine and/or 1 year in jail a higher penalty where the wrongful conduct results in the death or maiming of the person wronged.

Finally, the bills would add a new section, 242A, specifying some of the rights protected by section 242. The purpose of this addition is to assist prosecuting attorneys in meeting the requirements laid down by the Supreme Court in the *Screws* case (*Screws v. United States*, 325 U. S. 91).

Little need be said about these three sets of bills. All the changes they propose meet specific needs whose existence has been recognized by the Department of Justice and legal commentators. Except for the obstinate minority opposition to any effective action to preserve equality, they would be enacted with little debate as necessary measures to plug up demonstrated loopholes in our penal code. Such enactment would improve the effectiveness of Federal protection of constitutional rights, though it cannot be said that it would effect a major improvement.

B. Lynching

There are seven antilynching bills before this committee. Five are identical (H. R. 3480, Roosevelt; H. R. 3563, Chudoff; H. R. 3575, Davidson; H. R. 3578, Diggs; H. R. 5345, Reuss) and somewhat more detailed than the two introduced earlier in the session (H. R. 259, Celler; H. R. 3304, Dollinger). All of these bills are broad antilynching bills; that is, they apply not only to Government officials who participate in or permit lynchings but also to private citizens who are members of lynch mobs. In past years, narrower bills have also been introduced applicable only to Government officials and those acting in concert with them. No such bills have been introduced in the House this year.

H. R. 3480 contains extensive findings establishing a basis for Federal action against lynching. It defines lynching as any concerted action by two or more persons to commit violence against any other person or his property because of his race, religion, or national ancestry or to commit violence designed to exercise the power of punishment over a person in official custody. Punishment would be imposed on members of lynch mobs and on government officials who culpably fail to prevent a lynching. The United States Attorney General would be required to investigate lynchings. Persons injured by lynchings or their next of kind could bring suit for damages against the guilty parties or against the Federal or State Government body having jurisdiction over the place where the lynching occurred.

Antilynching bills were first introduced in Congress many years ago when the practice of lynching was outrageously widespread. Today the open lynch mob is no longer a serious problem. The last death by lynching occurred in the United States in 1952. It is true that these bills apply even where no death results but even this form of mob violence is relatively rare.

There has been a change in the nature of violence designed to perpetuate inequality. The chief problems today are brutality by police officials and clandestine violence, such as the Christmas night murder of Harry T. Moore and his wife in 1951 and other bombings and acts of arson. Neither of these evils is reached by the present bills.

We believe that antilynching legislation is no longer an important item in the civil-rights struggle.

C. Commission on Civil Rights

Six identical bills would establish a Commission on Civil Rights in the executive branch (H. R. 3388, Barrett; H. R. 3422, Davidson; H. R. 3475, Roosevelt; H. R. 3568, Chudoff; H. R. 3579, Diggs; H. R. 5351, Reuss). The Commission would have five nonsalaried members appointed by the President with the advice and consent of the Senate. It would gather information about civil rights, appraise Federal policies and other factors affecting the enjoyment of civil rights, assist Government agencies, and recommend Federal legislation. It could hold public hearings and issue subpoenas to require testimony at such hearings. It would have a salaried director and other necessary staff.

We believe that establishment of such a commission would serve a useful purpose. First, it could give publicity to the facts concerning civil rights, any improvements that may have been made, and the areas where correction might be most urgently needed. Second, it could make disinterested and consequently influential recommendations for action by the Federal Government. Third, it could give valuable advice and assistance to State and local agencies as well as to private groups.

D. A Civil Rights Division

Six identical bills would replace the present nonstatutory Civil Rights Section of the Department of Justice with a permanent Civil Rights Division headed by an Assistant Attorney General (H. R. 3391, Barrett; H. R. 3418, Davidson; H. R. 3478, Roosevelt; H. R. 3571, Chudoff; H. R. 3583, Diggs; H. R. 5350, Reuss). These bills would also authorize an appropriate increase in the staff of the FBI and provide for training of FBI personnel in the investigation of civil-rights cases.

This reform has long been advocated by civil-rights groups and was specifically recommended by the President's Committee on Civil Rights.

E. Combination bills

There are six identical bills that combine a number of limited civil-rights objectives (H. R. 3389, Barrett; H. R. 3423, Davidson; H. R. 3472, Roosevelt; H. R. 3562, Chudoff; H. R. 3585, Diggs; H. R. 5348, Reuss). These bills include the terms of all the bills described above except those on lynching. The provisions they contain on these subjects are the same as in the separate bills. Two additional items are also covered: creation of a joint congressional Committee on Civil Rights and prohibition of segregation in interstate transportation. These aspects of the bills are described below under those two headings. A seventh bill covers the same ground except that it omits the proposed amendments to the antipeonage statutes (H. R. 627, Celler).

A different combination of items is made in another bill (H. R. 5503, Anfuso). It includes the provisions described above on lynching and establishment of a Civil Rights Commission with the proposals for fair employment and anti-poll-tax legislation described below.

Two pairs of identical bills would deal with almost all pending civil-rights issues. The first two (H. R. 389, Powell; H. R. 3688, O'Hara) contain detailed findings of fact on the need for Federal action to protect civil rights. They would create a permanent Civil Rights Commission and a Civil Rights Division in the Department of Justice in terms similar to the bills described above. They contain perfecting amendments to the existing civil-rights laws similar to those described above (but not including amendments to the antipeonage laws), as well as broad antilynching provisions. In addition, they would prohibit discrimination and segregation in interstate transportation and in the Federal housing program. Finally, they contain sections embodying full fair employment and fair educational practices laws.

The other two bills (H. R. 51, Addonizio; H. R. 702, Rodino) contain all these items and also a prohibition of segregation in the Armed Forces an anti-poll-tax section, and a provision for establishment of a Joint Congressional Committee on Civil Rights.

These additional provisions are discussed below under the separate headings into which they fall.

IV. BILLS PENDING IN OTHER COMMITTEES

We turn now to those civil-rights bills pending in the House that are not listed for consideration at this hearing. We do so in order to present a complete picture on pending civil-rights legislation in the House and also because most of the bills have counterparts in the combination bills that are before this committee.

A. The poll tax

Eleven bills before the House that would abolish the poll tax as a condition on the right to vote in Federal elections have been referred to the Committee on House Administration. In addition, there are anti-poll-tax provisions in three of the combination bills mentioned above. There are five versions of the bill but they do not differ significantly in content. (One version appears in H. R. 629; Celler; H. R. 1600, Powell; H. R. 3690, O'Hara, and in the combination bills, H. R. 51 and 702. Another appears in H. R. 3392, Barrett; H. R. 3417, Davidson; H. R. 3479, Roosevelt; H. R. 3570, Chudoff; H. R. 3584, Diggs; H. R. 5342, Reuss. Three additional versions appear in H. R. 2809, Baldwin; H. R. 3302, Dollinger, and the combination bill, H. R. 5503.) Taking H. R. 629 as an example, it would nullify the requirement of paying a poll tax as a qualification for voting or qualifying to vote in primary or other elections for selection of Federal officials. Preventing any person from voting or qualifying because of nonpayment of the tax would be made unlawful. Similar provisions appear in all the other bills. H. R. 3392 and the bills identical with it also provide that aggrieved persons may file suits in the Federal courts to require compliance with the law.

Throughout the history of the civil-rights struggle a cardinal objective has been the reversal of the disfranchisement of the Negroes in the South. That disfranchisement, deliberately carried out around the turn of the century, was accomplished in part by imposition of the poll tax as a prerequisite to voting. The fact that this device also disfranchised many poor white citizens did not lessen its attractiveness to its sponsors.

Efforts to eliminate this barrier have been directed at both the Federal and State legislatures. The latter effort has met with such success that only five States—Alabama, Arkansas, Mississippi, Texas, and Virginia—retain the poll tax as a voting qualification. Meanwhile, improvement in the economic status of both Negroes and Whites has greatly reduced the significance of the poll tax. With abolition of the white primary, Negroes have a greater incentive to qualify for voting by paying the poll tax and are, in fact, voting in greatly increasing numbers throughout the South. Hence, the value of a Federal anti-poll-tax bill has steadily waned. It is not now an important civil-rights objective.

Of course, efforts are still being made in some Southern States to restrain voting by Negroes, chiefly by discriminatory application of voting and registration requirements and the use of force and intimidation. These illegal practices could be restrained to some extent by vigorous enforcement of existing Federal statutes; more effective restraint could be achieved if those statutes were perfected as proposed in the bills described above.

B. Interstate transportation

Fifteen bills barring segregation in interstate transportation have been referred to the Committee on Interstate and Foreign Commerce. Corresponding provisions appear in all but one of the combination bills mentioned above.

There are a total of five versions. One would prohibit segregation in interstate transportation, make it a misdemeanor punishable by a fine of up to \$1,000 and allow aggrieved parties to sue for damages or injunctive relief (H. R. 434, Heselton; H. R. 6271, Pelly). Another adds to this a provision for suits for declaratory judgments (H. R. 691, Powell; H. R. 3252, Heselton; H. R. 3689, O'Hara). The next group would add to the second a provision allowing suits in Federal courts (H. R. 435, Heselton; H. R. 2877, Scott; H. R. 3717, Udall; H. R. 4435, Chudoff). The largest group of bills contains separate sections imposing penalties for interference with the right to equal accommodations without segregation and for acts of segregation by agents of a common carrier. Violators would be subject to a \$1,000 fine and suits in the Federal

or State courts (H. R. 3477, Roosevelt; H. R. 3572, Chudoff; H. R. 3576, Davidson; H. R. 3586, Diggs; H. R. 5346, Reuss; the 6 combination bills identical with H. R. 3389; the 2 identical with H. R. 51 and the 2 identical with H. R. 389). Finally, one bill would add a prohibition of segregation to the Interstate Commerce Commission Act, making violators subject to proceedings under that act (H. R. 3301, Dollinger).

This moderate proposal was the only civil-rights item that received active consideration in the House of Representatives during the last Congress. It was favorably reported by the House Committee on Interstate and Foreign Commerce but not until near the end of the second session. It was kept from the floor by the Rules Committee.

The bill raises no question regarding States' rights since interstate transportation is clearly within Federal jurisdiction. Prohibiting segregation, while doing simple justice to Negro travelers would also lift a heavy burden from the Nation's railroads and bus lines. While segregation has been greatly reduced in railway dining cars and Pullmans, it is still the rule in ordinary coach travel and most buses. The bill promises a limited usefulness.

C. Fair employment

Seven identical broad fair-employment bills have been introduced (H. R. 690, Powell; H. R. 3393, Barrett; H. R. 3410, Chudoff; H. R. 3473, Roosevelt, H. R. 3577, Diggs; H. R. 3697, O'Hara; H. R. 5347, Reuss), and an eighth is similar to these (H. R. 3306, Dillinger). Together with the two narrow bills mentioned below, they have been referred to the Committee on Education and Labor. Of the 5 combination bills mentioned above that contain fair-employment provisions, 3 are identical in this respect with H. R. 690 (H. R. 389, 3688, and 5503), and 2 are identical with H. R. 3306 (H. R. 51 and 702).

H. R. 690 would prohibit discrimination in industries affecting interstate commerce by employers, employment agencies, and unions. A commission would be established to enforce the act by receiving complaints, investigating them, and attempting to settle each case by conciliation. If conciliation failed, the commission would have power to hold public hearings and ultimately, if the facts warranted, to issue an order enforceable in the courts. The bill is in the form that has evolved from long consideration of a succession of bills introduced over a period of more than 10 years and has long enjoyed bipartisan support in the House and Senate.

Fair employment retains its position of priority among the goals of civil-rights forces. The bills would deal fairly and effectively with a pressing problem that undermines the economic position of millions of Americans and hence the stability of the entire Nation. We believe it should be enacted that the enforcement features of the bills are essential to attainment of the objective of equality in employment.

Fair-employment bills were defeated by filibusters in the Senate on the two occasions on which they came to the floor in 1946 and 1950. On the only occasion when such a bill came to the floor of the House, in 1950, it was approved, but only after it was amended to remove its enforcement features. These amendments certainly reduced the effectiveness of the bill; yet, we are not prepared to say that a bill without enforcement features would necessarily be entirely useless, if it contained provisions for hearings and gave the administering commission adequate subpoena powers. It is possible that some gains could be made by empowering a Federal agency to receive and investigate complaints of discrimination, to hold hearings, to publicize the extent of discrimination, and to attempt by persuasion to broaden the employment opportunities of minority groups. The Hays bill (H. R. 6217) would declare a Federal policy against discrimination in employment and union membership. It would empower the Secretary of Labor to receive and investigate complaints and seek to adjust them and to formulate programs to reduce discrimination. A Minorities Employment Bureau would be established in the Department of Labor to which the Secretary could delegate his powers under the act. Local advisory councils and a National Advisory Council on Minority Problems could be created. This is an ineffectual measure because it does not provide for hearings or give the Secretary of Labor subpoena power.

One other bill deserves only brief mention (H. R. 2596, Hoffman). It would prohibit discrimination by employers and employees and would allow Federal court action for damages by aggrieved parties. Such a bill must be regarded as totally ineffective.

D. Education

Two bills on education have also been referred to the Committee on Education and Labor. One of these, only recently introduced, suggests a highly constructive approach to the elimination of segregation in public schools (H. R. 6803, Udall). It would provide Federal aid to meet the construction costs of schools needed to further a plan of integration. Local education authorities would be eligible for this aid if they had a program of integration and if new construction was needed for the program. They would have to certify that no pupil would be barred because of his race from any facility constructed with aid supplied under the bill.

The other bill referred to the Committee on Education and Labor would bar any payment of veterans' benefits or other Federal funds to any school that discriminates in the admission of students or allows its students to join fraternal or other organizations that discriminate (H. R. 3305, Dollinger). This relatively narrow bill has no provisions for enforcement and hence it is not likely that it would be effective.

Broader regulation of educational institutions is detailed in the comprehensive civil-rights bills mentioned above that are before this committee. H. R. 389 and 3688 would prohibit discrimination and segregation by all schools receiving Federal funds or enjoying Federal tax exemption. (The words used to define the schools covered by the bills are not well chosen to insure inclusion of all public schools.) Upon complaint of a violation, a hearing would be held by the Administrator of the Federal Security Agency. If he found that a violation had occurred, he could order removal of the official responsible for it. If the order was not complied with, the school would lose Federal aid and Federal tax exemption in a specified amount. The Administrator's order would be subject to court review. The bill would also impose a fine of up to \$1,000 and a jail sentence of up to 1 year for violations and would permit persons aggrieved by violations to sue for treble damages in the Federal courts. The Department of Justice and Federal district attorneys would be empowered to bring suits to restrain violations. There is an appropriate exemption for schools operated by religious bodies, as there is also in the following bill.

The sections on education in H. R. 51 and 702 would prohibit discrimination in post secondary schools only. Complaints of violations would be filed with the Commissioner of Education who would then have the same powers to investigate, attempt conciliation, hold hearings, and issue an order enforceable in the courts that would be held by the commission proposed in these bills for enforcement of the fair-employment provisions. The bills would also provide that schools that discriminate may not receive Federal funds under Public Laws 815 and 874 of the 81st Congress, which provide for Federal assistance to States to study public-school needs and to meet the cost of supplying additional facilities for children in families of personnel at Army posts and other Federal installations.

E. Housing

A proposed "Fair Housing Practices Act" has been referred to the Committee on Banking and Currency (H. R. 3303, Dollinger). Its single section would prohibit any agency of the United States from making any loan or grant or giving any other financial assistance to an person or Government agency to finance the purchase or construction of any housing accommodation with respect to which there is any discrimination. The absence of enforcement provisions as well as the fact that the bill would not apply to the FHA or VA mortgage guaranty programs make it unlikely that this bill would have substantial effect.

Broader provisions on housing are contained in the four comprehensive civil-rights bills before this committee. The elaborate provisions of H. R. 389 and 3688 would prohibit discrimination and segregation in all housing operated by agencies of the Federal Government or by corporations whose funds come in whole or in part from the Federal Government. All loans, mortgage guaranties, grants, or transfers of land made by Federal agencies for housing purposes would be subject to a prohibition of segregation and discrimination and the recipients would have to state in advance their agreement not to discriminate. Such statements would be filed in the local Federal courts. Breach of a condition would entitle the Government to nullify the loan, mortgage guaranty, grant, or transfer. The Administrator of the Housing and Home Finance Agency would have the same powers of enforcement as would be given to the Commissioner of Education under the sections of these bills dealing with education and the additional sanctions of those sections, including the provisions for criminal penalties, suits for damages and injunctions, would also apply.

H. R. 51 and 702 contain a more limited prohibition barring discrimination by mortgagors whose mortgages are insured or guaranteed by the Federal Government as well as discrimination and segregation under several other Federal housing programs.

F. Military forces

A bill referred to the Committee on the Armed Services would withhold Federal aid from National Guard units that discriminate or segregate (H. R. 682, Multer). A number of States have ended segregation in their National Guard establishments in recent years but the practice is still widespread. Moreover, in some States Negroes are simply excluded from the National Guard altogether. Because the Federal Government offers valuable benefits to persons who serve in the National Guard, discrimination in admission to these benefits is a real hardship with which the Federal Government must be concerned. The virtues of this bill are therefore obvious. An alternative or additional sanction might be to limit the Federal benefits given to those who serve in National Guard units to persons serving in units open to all without discrimination or segregation.

The two identical comprehensive bills before this committee, H. R. 51 and 702, contain a section prohibiting segregation in the United States armed services, their units and reserve components. In view of the ending of segregation in the Federal Armed Forces under the present and previous administration, the need for such a provision is not apparent.

G. Congressional Civil Rights Committee

Establishment of a Joint Congressional Committee on Civil Rights is proposed in a resolution that has been referred to the Committee on Rules (H. Con. Res. 63, Roosevelt). An identical provision appears in the comprehensive civil-rights bills before this committee, H. R. 51 and 702. The committee would consist of seven members of each Chamber. It would study matters relating to civil rights and advise congressional committees dealing with legislation on such matters. It could hold hearings, require attendance of witnesses, and employ a staff.

This proposal has long been favored by civil-rights groups and, like the proposals to establish a Permanent Commission on Civil Rights and a Civil Rights Division in the Department of Justice, it was specifically recommended by the President's Committee on Civil Rights.

H. Discrimination in the Capital

Two identical bills (H. R. 3457, Powell; H. R. 3691, O'Hara) would prohibit discrimination in employment and places of public accommodation in the District of Columbia. They would establish a District of Columbia Commission Against Discrimination to administer the act, consisting of five members, appointed by the President with the advice and consent of the Senate. The Commission would have the powers usually conferred upon administrative anti-discrimination commissions to engage in educational activities, to receive complaints, attempt conciliation, hold hearings, and issue orders reviewable in the courts.

I. Group libel

One bill on group libel that was referred to this committee was not included in the list of bills to be considered at this hearing (H. R. 5418, Diggs). It would prohibit any person from sending through the mails any matter intended to or calculated by its terms to incite intergroup hostility. Violators could be fined up to \$5,000 and sentenced to jail for up to 10 years.

V. PRIORITIES

The rules of the Senate are, of course, a matter on which this committee cannot take action. Nevertheless, it is not likely to ignore the fact that any civil-rights bill worthy of the name has little hope of getting past the barrier of the filibuster which the Senate rules permit.

Assuming, however, that, with sufficient effort, a filibuster can be broken under the present rules, the priority item on which we would want the effort to be made is fair employment. While the pending FEPC bills are not before this committee, it does have several broadly comprehensive bills that include fair-employment sections.

There is much to be said in favor of House action on such a general bill. A favorable committee report and, even more, House approval of a comprehensive

civil rights bill would be an affirmation of belief in the goal of full equality and in the obligation of the Federal Government to assist in its attainment. Moreover, breaking through a Senate filibuster is a long, time-consuming process. If the effort is to be made, it would be better to do it for a bill carrying a broad program than for a bill containing only one item. The Powell comprehensive bill (H. R. 389) and the even more inclusive Addonizio bill (H. R. 51) both combine all the major items in the civil-rights program. Their contents are set forth in section III E above. We urge approval by this committee and by the House of Representatives of a comprehensive civil rights bill such as those introduced by Representatives Powell and Addonizio.

Some of the proposals before this and other committees are not worth troubling with; if a comprehensive bill is considered, they should not be included. Other items, not too important by themselves, should be included if only because they are not important enough to warrant separate tilts at the filibuster windmill.

VI. THE ALTERNATIVE

In all probability, much of the foregoing is merely an exercise in rhetoric. In view of what has happened in Congress in recent years, civil rights groups can be excused if they show only mild interest in the introduction of civil rights bills and committee hearings such as this.

A legislative minority has been able to block civil rights measures year after year by exploiting the provisions of the existing congressional rules. For years we have watched urgently needed reforms founder because of blind intransigence stemming from equally blind intolerance. We no longer hope to persuade the minority to abandon voluntarily their undemocratic tactics. We can hope that they will change their attitude if they find that it is too costly.

Accordingly, civil rights forces are now virtually united in calling for addition of antidiscrimination provisions to pending measures that would otherwise foster inequality or permit it to continue without redress. This approach offers a far better change of concrete gains than continued routine support of the separate civil rights bills before this committee.

The chief argument against this strategy is that it may prevent enactment of both the antidiscrimination amendments and the measures to which they are attached. The assumption is that those who oppose civil rights reform will oppose every other reform rather than permit that one. We are not so sure they will. And we are certain they cannot do so for long. Ultimately, the need for Federal action on schools, housing, and the like will evoke a popular outcry that will drown out the voice of intolerance and win victory for democratic goals and democratic procedures. Then Federal benefits will be distributed as they should be—with, and only with, full safeguards against inequality. If this retards the flow of those benefits to some extent, we believe, upon careful consideration, that that is a price that must be paid.

The current session of this Congress has already shown that the civil rights battle will be fought not on specific civil rights bills but on sorely needed anti-discrimination and antisegregation amendments to other pending legislation. This session will see but the beginning of the contest on that newly opened front. It will continue until there is no longer need for Federal action to achieve in fact full equality for all Americans.

APPENDIX

Civil rights bills introduced in the House of Representatives, 84th Cong., 1st sess., 1955

Bill No. ¹	Sponsor	Committee	Subject
1 258.....	Celler.....	Judiciary.....	Amending existing general civil rights laws
3387.....	Barrett.....	do.....	Do
3421.....	Davidson.....	do.....	Do.
3474.....	Roosevelt.....	do.....	Do.
3566.....	Chudoff.....	do.....	Do.
3580.....	Diggs.....	do.....	Do.
5349.....	Reuss.....	do.....	Do.
2. 3390.....	Barrett.....	do.....	Amending existing laws protecting right to vote
3419.....	Davidson.....	do.....	Do.
3476.....	Roosevelt.....	do.....	Do.
3569.....	Chudoff.....	do.....	Do.
3582.....	Diggs.....	do.....	Do.
5343.....	Reuss.....	do.....	Do.
3. 628.....	Celler.....	do.....	Amending existing laws on peonage
3394.....	Barrett.....	do.....	Do.
3420.....	Davidson.....	do.....	Do.
3481.....	Roosevelt.....	do.....	Do.
3567.....	Chudoff.....	do.....	Do.
3581.....	Diggs.....	do.....	Do.
5344.....	Reuss.....	do.....	Do.
4. 259.....	Celler.....	do.....	Antilynching
3304.....	Dollinger.....	do.....	Do.
3480.....	Roosevelt.....	do.....	Do.
3563.....	Chudoff.....	do.....	Do.
3575.....	Davidson.....	do.....	Do.
3578.....	Diggs.....	do.....	Do.
5345.....	Reuss.....	do.....	Do.
5. 3388.....	Barrett.....	do.....	Commission on Civil Rights
3422.....	Davidson.....	do.....	Do.
3476.....	Roosevelt.....	do.....	Do.
3568.....	Chudoff.....	do.....	Do.
3579.....	Diggs.....	do.....	Do.
5351.....	Reuss.....	do.....	Do.
6. 3391.....	Barrett.....	do.....	Civil Rights Division in the Department of Justice
3418.....	Davidson.....	do.....	Do.
3478.....	Roosevelt.....	do.....	Do.
3571.....	Chudoff.....	do.....	Do.
3583.....	Diggs.....	do.....	Do.
5350.....	Reuss.....	do.....	Do.
7. 3389.....	Barrett.....	do.....	Combines all above items except anti-lynching bills, with creation of joint congressional committee and prohibition of segregation in interstate transportation
3423.....	Davidson.....	do.....	Do.
3472.....	Roosevelt.....	do.....	Do.
3562.....	Chudoff.....	do.....	Do.
3585.....	Diggs.....	do.....	Do.
5348.....	Reuss.....	do.....	Do.
8. 627.....	Celler.....	do.....	Covers same items as above except for antipeonage provisions
9. 5503.....	Anfuso.....	do.....	Combines antilynching, Civil Rights Commission, anti-poll tax and FEPC
10. 389.....	Powell.....	do.....	Combines Civil Rights Commission, Civil Rights Division, antilynching, amending existing civil rights laws and laws protecting right to vote, discrimination in interstate transportation and in Federal housing, FEPC and fair education
3688.....	O'Hara.....	do.....	Do
11. 51.....	Addonizio.....	do.....	Covers same items as above and also anti-poll tax, joint congressional committee and segregation in Armed Forces.
702.....	Rodino.....	do.....	Do.
12. 629.....	Celler.....	House Administration.....	Poll tax.
1600.....	Powell.....	do.....	Do.
3690.....	O'Hara.....	do.....	Do.
2809.....	Baldwin.....	do.....	Do.
3302.....	Dollinger.....	do.....	Do.
3392.....	Barrett.....	do.....	Do.
3417.....	Davidson.....	do.....	Do.
3479.....	Roosevelt.....	do.....	Do.
3570.....	Chudoff.....	do.....	Do.
3584.....	Diggs.....	do.....	Do.
5342.....	Reuss.....	do.....	Do.

¹ Bills bracketed together are identical.

Civil rights bills introduced in the House of Representatives, 84th Cong., 1st sess., 1955—Continued

Bill No. ¹	Sponsor	Committee	Subject
13. 434.....	Heselton.....	Interstate and Foreign Commerce.	Segregation in interstate transportation.
6271.....	Pelly.....	do.....	Do.
435.....	Heselton.....	do.....	Do
2877.....	Scott.....	do.....	Do
3717.....	Udall.....	do.....	Do
4435.....	Chudoff.....	do.....	Do
691.....	Powell.....	do.....	Do
3252.....	Heselton.....	do.....	Do
3689.....	O'Hara.....	do.....	Do
3477.....	Roosevelt.....	do.....	Do.
3572.....	Chudoff.....	do.....	Do
3576.....	Davidson.....	do.....	Do.
3596.....	Diggs.....	do.....	Do.
6346.....	Reuss.....	do.....	Do.
3301.....	Dollinger.....	do.....	Do
14. 690.....	Powell.....	Education and Labor.....	Fair employment bill with enforcement provisions.
3393.....	Barrett.....	do.....	Do
3410.....	Chudoff.....	do.....	Do.
3473.....	Roosevelt.....	do.....	Do
3577.....	Diggs.....	do.....	Do
3697.....	O'Hara.....	do.....	Do.
5347.....	Reuss.....	do.....	Do.
3306.....	Dollinger.....	do.....	Do
15. 6217.....	Hays.....	do.....	Fair employment bill without enforcement provisions.
16. 2596.....	Hoffman.....	do.....	Prohibits discrimination by employers and employees, with suits for damages.
17. 6803.....	Udall.....	do.....	Grants Federal aid to build school facilities needed for integration program.
18. 3305.....	Dollinger.....	do.....	Bars Federal funds to schools that discriminate.
19. 3303.....	do.....	Banking and Currency.....	Bars Federal funds for housing where there is discrimination.
20. 682.....	Multer.....	Armed Services.....	Bars Federal funds to National Guard units that segregate.
21. 3457.....	Powell.....	District of Columbia.....	Discrimination in employment and public places in District of Columbia.
3691.....	O'Hara.....	do.....	Do.
22. 5418.....	Diggs.....	Judiciary.....	Bars race hate material from mails.
23. H Con Res 63.....	Roosevelt.....	Rules.....	Joint congressional committee.

Mr. MASLOW. I merely call your attention to the appendix of the statement which we have prepared, with the thought that it might be of some use to the committee. When we get to the stage—which we hope will be soon—of drafting legislation, I think this will be helpful.

This statement consists of an analysis of the 95 bills now pending in the Houses of Representatives on civil-rights matters.

Mr. LANE. May I add right there that that is going to be of very great help to the committee, because there are so many bills, and some of them, no doubt, duplicate others but there are so many that bring out things on the subject that I am sure that will be of great help to us, and I appreciate what you have done.

Mr. MASLOW. The appendix lists the duplications. Of the 95 bills, 51 are pending before this committee; but many of the central ideas of the 45 are pending before other House committees, and are incorporated in bills before this committee. And sometimes the whole text of the bill before another committee is likewise before your committee. For example the House Committee on Education and Labor had before it a bill dealing with fair employment practices. You will find certain so-called comprehensive bills before this committee which contain the full text of these FEPC bills. So that this committee really has before it in one way or another every major idea in the advance-

ment of civil-rights legislation that has been considered in the last 20 years.

Perhaps it would be useful if I take a moment at least to list the categories of the bills which are before your committee.

There has been reference made to continued violence on the part of Government agencies, of Government officers, against Negroes. That is a problem, of course, which can be handled by the antilynching bill pending before your committee.

There has been reference made to the denial of the right of suffrage; that is dealt with by a bill making it a Federal offense to interfere with the right of a voter to cast his ballot in a Federal election, and also in bills repealing the poll tax which still remains the law in five States.

There is also a bill forbidding peonage, a modern version of slavery.

In addition to those bills, which, in the main, reflect or deal with the problem of violence, we have bills which deal with the problem of discrimination and segregation; fair employment practice bills, bills prohibiting segregation in interstate commerce, bills forbidding discrimination or segregation in any form of housing that receive Federal grants or other Federal subsidies and are thus within Federal jurisdiction.

And similarly there are bills forbidding discrimination or segregation in the public schools that receive Federal grants.

And finally there are a series of four types of bills which deal with the structural matters designed to improve the enforcement of the law. There are, for example, bills to amend and perfect the existing two civil-rights laws now on the books: These civil-rights laws are sections 241 and 242 of title 18 of the United States Code. They have been and are survival relics of the reconstruction statute.

However, they still have vitality and are the only safeguards that we have on our books today to prevent the violation, in the name of State law, of a Federal right.

In addition, there are pending bills which create a commission on civil rights, bills which strengthen the existing Civil Rights Section of the Department of Justice, which is now staffed with a tiny handful of lawyers—I believe the last count showed about six lawyers in that section; and finally a bill to create a joint congressional committee on civil rights to focus attention on this problem in the States.

Now, I would like to address myself to a question that Congressman Burdick put to one of the witnesses, which is a very practical question: How can this committee deal with this mass of bills which is before us, and what is the most effective way that they can discharge their responsibility?

I have two suggestions to offer. There are two comprehensive bills before your committee that in a sense incorporate all of the ideas in all of the other bills. One of them is the so-called Powell bill, H. R. 389, which contains almost all of the features that I have already discussed, and the second one is a bill introduced by a member of this committee, H. R. 702, the Rodino bill.

Now, these bills contain almost everything that has been requested by the President's Committee on Civil Rights, and by President Truman's program on civil rights, and by most of the civil-rights agencies. So, instead of enacting 84, 85, or 95 bills, if 1 of these 2 bills is enacted it will suffice.

Mr. BURDICK. What was the number of the Powell bill?

Mr. MASLOW. H. R. 389.

Now, the Rodino bill is H. R. 702. That is an exact duplicate of another bill which is pending before this committee, the Addonizio bill, which is H. R. 51.

Mr. BURDICK. The Powell bill, as I understand it, and I have read a time or two, combines all of these questions or complaints which have been heard here today, does it not?

Mr. MASLOW. It gives almost complete coverage, but the Rodino and the Addonizio bills are even more comprehensive and contain everything. I can give you a list of what they contain if you will bear with me for just a second.

Mr. BURDICK. Yes.

Mr. MASLOW. The Powell bill begins with a series of findings of fact on the need for Federal action. It then proposes the creation of a permanent Civil Rights Commission. It then goes on to suggest the creation of a Civil Rights Division in the Department of Justice. It then adds perfecting amendments to civil-rights laws. It then contains broad antilynching provisions and, finally, it prohibits discrimination and segregation in interstate transportation and in Federal housing programs. It also contains a full FEPC law and in putting icing on the cake the bill also prohibits discrimination or segregation in interstate commerce.

The Addonizio bill does all of that, and, in addition, has a section in it forbidding the use of the poll tax in elections, and provides for the establishment of a joint congressional committee on civil rights.

Now, the enactment of either of those bills provides complete personnel and weapons for the Federal Government to deal with every problem that has been discussed before your committee, every form of violence, of discrimination, or segregation, and every failure to enforce the law. Every conspiracy or interference with a Federal right can be dealt with under them.

If I were asked to evaluate from among these items which was the most significant, I would say the most significant was the failure to create enforceable fair employment practice laws. That is the problem that is most widespread. Of course, it does not present all of the horrible overtones of an occasional act of violence, or the acts of maltreatment of a prisoner, but by and large it affects more persons than any other type of civil rights measure. It affects not only Negroes, but Jews, Puerto Ricans, Latin-Americans, and other foreign groups.

Moreover, we have the experience now with 15 States in the Union having fair employment practice laws. These laws have been on the books since 1945, a period of 10 years, and all of the bugs have been taken out. We know that this is not a visionary idea any more, and we feel that a fair employment practice law would be item No. 1 in the priorities of civil rights requested.

If I were again asked to choose other measures, the choice of my organization would be not to add new prohibitions to the law but strengthen the enforcement of the civil rights laws which are now on the books.

That can best be done by the bill pending before you in the comprehensive bills, to convert the Civil Rights Section of the Department of Justice into a Civil Rights Division. Instead of a group of 6

lawyers it ought to have 50 lawyers in it. Instead of investigating cases by mail as they do today it ought to have regional offices throughout the country. It ought to begin to show the menace in these problems of discriminatory suffrage laws. It ought to begin taking broad steps to take some action on these measures. It ought to move against citizens' councils in Mississippi that are using economic boycotts to interfere with Federal rights.

I believe that single measure of improving the enforcement of the Civil Rights Section, by giving it a new staff, and raising it to the level of a Division, and seeing that a person of nationwide prominence is head of the Division, in my opinion, promises more than any anti-lynching bill, or anti-poll-tax bill.

Mr. BURDICK. Then either of those bills, H. R. 389, or H. R. 51 would do the job?

Mr. MASLOW. Yes. Finally, as the least controversial measure I would urge the creation of a Commission on Civil Rights. That would be a Commission which would not be a regulatory or enforcement Commission, that is, it would not have the power to enforce any prohibitory laws. Its task would be to continue to exercise continual surveillance of this problem as a whole. Today no organization in the country knows the extent of the violence, the extent of police brutality, the extent of the denial of the rights of suffrage, or the many other violations, some less crude and less gross. But this kind of a Commission can study the problem intelligently. It can focus public attention on it by public hearings and can make recommendations to the legislatures.

To sum up, therefore, I would say that we should have a comprehensive bill, and the three most important components in that comprehensive bill are FEPC, a Fair Employment Practices Commission, a Civil Rights Division, and a Commission on Government Rights.

Thank you.

Mr. LANE. Thank you, Mr. Maslow; we appreciate your statement very much.

Are there any questions? That will be the last witness for the time being. The bells have now rung for a quorum in the House, and this committee will suspend for about half an hour, and at the end of that time the next witness to be heard will be Mr. Hartnett, of the CIO. So, the committee will stand suspended for a period of about 30 minutes, and then we will reconvene, and I hope the members will return if they possibly can.

AFTERNOON SESSION

Mr. LANE. The committee will kindly come to order, please.

At this point we will hear Kenneth Birkhead, executive director of the American Veterans Committee.

STATEMENT OF KENNETH M. BIRKHEAD, WASHINGTON, D. C., EXECUTIVE DIRECTOR OF THE AMERICAN VETERANS COMMITTEE (AVC)

Mr. Chairman and members of the committee, I want to express, on behalf of the American Veterans Committee, our appreciation for this

opportunity to appear before you in behalf of the important legislation you are considering.

Our appreciation will be even greater when our members can sit in the galleries of the House and the Senate and listen to a favorable rollcall on these same bills.

AVC is an organization composed of veterans of the last three wars. We have always been particularly concerned with the problems of civil rights. We have fought for these rights as members of the Armed Forces of this country.

As veterans we have also been deeply interested in the problems of stopping the aggressor nations and winning the peace. We have supported measures to achieve physical strength for our Nation and for the free world. This struggle requires more. The conflict with the Soviet Union is not carried on alone with guns and planes and bombs. It is also a moral struggle for the minds and loyalty of men. We give the skilled Russian propagandists another weapon when we fail to protect the rights of our own citizens.

More important even than this is the fact that our Nation and our people need this legislation. It is at the same time a moral problem and a social-political, and economic problem. The passage of major civil rights legislation would be good for the American spirit, the American community, American education, the American political structure and American business.

I would be less than frank if I did not say that the AVC has been disappointed that this Congress has not, to date, found it possible to take action on the many important civil rights measures which have been introduced by the Members of the Congress.

We still do not think that it is too late for this Congress to take action in this field. Many times in the past we have seen the Congress act with great dispatch when the need was there. We feel the need is here for action on civil rights.

Certainly there is no lack of legislative study on this subject. Hundreds of hours of hearings and thousands of pages of testimony are available on the phases of civil rights covered by the bills you are considering. Your subcommittee is adding immeasurably to bringing this information up to date.

These hearings are concerned with some 51 bills, some of which relate to one particular field of civil rights, and some of which relate to several fields. As we view it, the areas included are:

1. The establishment of a Commission on Civil Rights in the executive branch of the Government.
2. The establishment of a Joint Congressional Committee on Civil Rights.
3. Creating a Civil Rights Division in the Department of Justice under the direction of an Assistant Attorney General.
4. Strengthening the existing civil rights statutes which prohibit conspiracy to violate constitutional rights.
5. Eliminating segregation in interstate transportation.
6. Making lynching a Federal crime and providing remedies for the next of kin of the person lynched.
7. Elimination of the poll tax.
8. Barring discrimination, by segregation and otherwise, in housing.
9. Forbidding racial discrimination in education.

10. Strengthening the peonage laws which prohibit slavery and involuntary servitude.

11. Protecting the right to political participation without coercion or discrimination based on race.

12. Prohibiting discrimination in employment.

We are in favor of all of these objectives. We believe that America needs legislation which will protect or advance human and civil rights in each of these fields. We are hopeful that this subcommittee could make favorable recommendations for legislation in each of these areas. We say this even though we know that some of these bills' objectives might have greater difficulty in being enacted than others. We urge passage because we are convinced that these objectives are good for America.

We have examined and compared the provisions of these 51 bills. Some of them are identical, but others, especially those which are drafted as omnibus bills, either do not cover all the 12 objectives mentioned previously, or contain provisions which differ from those contained in other bills.

I shall therefore attempt here to indicate some of the key points that we urge this subcommittee to include in the bill or bills that will be favorably reported.

The bills which deal with the three objectives of a Commission on Civil Rights in the executive branch, a Joint Congressional Committee on Civil Rights, and a Civil Rights Division in the Department of Justice are all designed to establish additional machinery, both in the legislative and executive branches of the Government, to aid in the appraisal and enforcement of civil rights which are protected by law and guaranteed by the Constitution. In general, we think that the basic provisions are adequately included in these bills. However, we believe that the work of the Commission on Civil Rights is so important, and the problems that it would have to deal with are so continuous and extensive, that the members of the Commission should be appointed on a full time, paid basis, with annual salaries, commensurate with the responsibilities involved, rather than on a per diem basis.

If, however, the bill to establish a Commission on Civil Rights retains the provisions that the members thereof shall be paid only on a per diem basis, then we urge that a provision be inserted to waive the conflict of interest statutes to the same extent that is now provided for dollar-a-year men employed by, for example, the Office of Defense Mobilization. Such waiver of the conflict of interest statutes is almost essential to enable selection of the best qualified personnel, if they are to serve on a nonsalaried basis. I need hardly remind this subcommittee that the question of waiver of the conflict of interest statutes was the rock upon which the Nimitz Commission on Internal Security and Individual Rights was wrecked in 1951.

Some of the bills now before this subcommittee would empower the Commission to issue subpoenas, if necessary, to obtain evidence and data. Such subpoena authority, we think, is essential if the Commission is to do its work properly.

I would now like to say a word about the bills which would strengthen several of the existing civil-rights statutes. These statutes are now contained in sections 241 and 242 of the Criminal Code (title 18, U. S. C.) and penalize conspiracies by two or more persons, and action by police and other officials acting under color of law, regula-

tion, or custom, which are designed to deprive people of their constitutional rights. These statutes were first adopted during the decade that followed the Civil War, when Congress enacted several comprehensive laws which implemented the 13th, 14th, and 15th amendments to the Constitution. These statutes literally accomplished miracles in safeguarding the civil rights, not only of the Negroes who had recently been freed from slavery, but also those who had never been slaves. Without those laws, the turbulence and violences of the post-Civil War period might have been infinitely greater.

However, during the last decades of the 19th and the early part of the 20th century, the growth of discrimination in many parts of the country, produced a climate that weakened and impaired these laws. Through narrow interpretation by the courts, through the splitting of statutory sections when the statutes were codified, and by repeal of some of these provisions, the great beneficent purposes of the civil-rights laws were greatly reduced in scope and effect.

It is in the context of this history that we should consider the purposes of these bills. Yet the truth of the matter is that these bills are narrow in scope. They would amend section 241 to protect aliens as well as citizens. They would also add a subsection which would penalize a violation of constitutional rights by 1 person, as well as where 2 or more persons engage in a conspiracy to impose such injury or threat. Some of the bills would increase the penalty from \$5,000 fine and 10 years' imprisonment to \$10,000 or 20 years if the injury causes the death or maiming of the person injured. In addition, these bills would permit the person who has been wronged to sue for damages or preventive relief in a civil action against the wrongdoer.

We agree with these amendments. However, we note that some of these bills apply the increased penalty of \$10,000 or 20 years, where the injury results in death or maiming, only to injuries caused by a single person. We think the increased penalty should also be made applicable to injuries which result from the conspiracy of two or more persons. Otherwise, where such death or injury occurs, the wrongdoer could escape the greater penalty by getting others to participate with him in the wrongdoing, so that, in effect, two wrongs would create a partial immunity for the wrongdoers.

The second change which these bills would make in the civil-rights law is to amend section 242. That section, as I have said, applies to those, such as sheriffs, deputies, police, and others, who under color of law, regulation, or custom, deprive others of their constitutional rights. These bills would extend section 242, and would impose the greater penalty of \$10,000 fine or 20 years' imprisonment where the wrongful conduct causes death or maiming of the person so injured or wronged.

Finally, these bills would add a new section, section 242A, which would more precisely define the rights, privileges, and immunities protected under section 242. A recital of these rights demonstrates how essential these rights are to the protection and maintenance of our constitutional liberties:

(1) The right to be immune from exactions of fines, or deprivations of property, without due process of law.

(2) The right to be immune from punishment for crime or alleged criminal offense except after a fair trial and upon conviction and sentence pursuant to due process of law.

- (3) The right to be immune from physical violence applied to exact testimony or to compel confession of crime or alleged offenses.
- (4) The right to be free of illegal restraint of the person.
- (5) The right to protection of person and property without discrimination by reason of race, color, religion or national origin.
- (6) The right to vote as protected by Federal law.

We concur with the objective of this proposal, namely, to make more definite and precise the basic rights protected under section 242. However, we believe that the same definitiveness and precision is necessary in connection with section 241, which also contains the phrase "right or privilege," and we therefore urge that section 242A be made applicable to section 241, as well as to section 242.

I now turn to the provisions present in some of the so-called omnibus bills, which would eliminate discrimination, whether by segregation or otherwise, in interstate transportation. The field of interstate transportation is preeminently within the province of Congress. Not only does the Constitution confer upon Congress full power to enact such legislation, but the courts have frequently held that the States have no right to enact legislation that would burden interstate commerce. These bills therefore are particularly appropriate for Congress to enact.

I should like to emphasize that these bills would not establish a new policy. They would simply reaffirm and clarify the general policy already adopted by Congress in several statutes against discrimination with respect to travel on common carriers in interstate transportation. Nondiscrimination provisions are present in the Interstate Commerce Act (49 U. S. C. 3 (1)), in the Motor Carriers Act (49 U. S. C. 316 (d)), in the Civil Aeronautics Act (49 U. S. C. 484 (b)), and in the statutes applicable to common carriers by water (49 U. S. C. 905 (c) and 46 U. S. C. 815, First). Moreover, the courts in numerous cases have held that segregation on common carriers in interstate commerce is unlawful. Three of the best known cases are *Henderson v. United States* (339 U. S. 816), *Mitchell v. United States* (313 U. S. 80), and *Morgan v. Virginia* (328 U. S. 373).

Yet because of the general wording of these statutes, much litigation has been necessary to spell out their meaning in precise cases. Moreover, the existing statutes carry varying and diverse penalties. The bills now before this subcommittee which deal with this problem will provide uniform remedies, with uniform penalties, in unambiguous and precise legislation to help carry out the policy which Congress has already established.

Racial segregation and other forms of discrimination on the common carriers of our Nation that travel in interstate commerce are particularly odious forms of discrimination. Freedom of movement has been one of the great strengths of our way of life when compared to that of the totalitarian nations. Freedom of movement is greatly hampered when travel is subject to discrimination. The American Veterans Committee fully believes that the cause of freedom will be greatly strengthened by the passage of legislation to eliminate such discrimination from common carriers in our interstate transportation.

Lynching was at one time a major threat to peace and order in many communities. In recent years, lynching has markedly declined to a point where in some years there has been not one single

lynching perpetrated in this country. The absence of murder in a community, however, does not lessen the need for laws against such a crime. The same is true of lynching. We believe that the enactment of such legislation would provide greater assurance against the rise of lynching as a form of racial coercion and threat. Such possibilities, indeed, seem to be potentially greater now than they have been for some years. The recent formation of so-called citizens councils in some States in efforts to organize opposition to the Supreme Court's decision in the school segregation cases may, in moments of tension and strain lead to outbreaks of violence by irresponsible people. Hence, we think that the enactment of an antilynch law will help to maintain peace and order as the various communities begin to adjust their school systems to accord with the requirements of the Constitution.

Some of the antilynching bills provide for a civil remedy by the injured person or his survivors against the governmental jurisdiction where the lynching occurred, or from which he was seized and taken to be lynched. We approve of such a civil remedy. It will go far to establish the conditions for the prevention of lynching.

Some of these bills impose liability upon the governmental subdivision without regard to whether such lynching was due to negligence, failure, or fault of the said governmental subdivision, whereas other bills permit the governmental subdivision to evade liability for the lynching by proving that its officers used all diligence and all powers vested in them for the protection of the person lynched. We favor the provision which imposes liability on the governmental subdivision without regard to the question of fault. In the first place, lynchings just do not occur where the officials provide a system of adequate protection against such crime. The very fact that the lynching took place demonstrates that the governmental subdivision was not up to par in the protection it affords to its people. Secondly, the suit to enforce such liability would have to be brought in or near the place where the lynching occurs. A jury from that governmental subdivision would, particularly in the atmosphere of emotional tension that accompanies a lynching, accept any scintilla of evidence offered by the officials as sufficient basis for excusing the payment of money from the local treasury to the injured person or his survivors.

Only brief comments are needed on this subject of the elimination of the poll tax. The right to a free, unhampered, and secret vote is one of the greatest bulwarks of the democratic system. This right should not be limited by any devices such as the poll tax.

It is important to remember in this regard that the poll tax is not solely directed at minorities but is a limitation on freedom directed at all Americans. The American Veterans Committee strongly favors doing away with the poll tax.

Segregation in housing has perhaps the greatest impact in the maintenance of a nondemocratic society, and is perhaps the most serious problem still facing us in the effort to erase the stigma of second-class citizenship.

Segregated housing is, possibly, the key to the whole problem of civil rights. The establishment and maintenance of the ghetto system encourages segregation in other forms of daily activity. Segregated neighborhoods lead to segregated schools, churches, recreation facilities, and other community facilities. Segregation in housing provides

the atmosphere that encourages delinquency, crime, disease, poverty, and other social evils.

In view of these results of segregated housing, one would suppose that the Government would long ago have made vigorous attempts to ameliorate the discriminatory conditions that lead to these social ills. Yet the blunt truth is that segregation in housing has received as much encouragement and aid from Government than most other forms of racial discrimination.

President Eisenhower has frequently stated it is the policy of his administration that no Federal funds shall be used to support discrimination. If that policy has been applied in the field of housing, segregation in housing would be virtually nonexistent. More than \$25 billion of FHA and VA insurance and guaranties, now outstanding on nonfarm housing, provide a tremendous leverage in determining whether housing shall be provided on a democratic or on a non-democratic basis.

It is with these facts in mind that we support provisions such as contained in the bills of Congressman Powell (H. R. 389) and Congressman O'Hara (H. R. 3688). These provisions, in part 6 of the bills mentioned, would forbid the use of Government funds to support discrimination whether by segregation or otherwise, in housing. In addition, because these bills recognize that the mere statement of a policy is not quite enough to fulfill its objectives, they provide the machinery for effectuating that policy. Thus, they would forbid judicial recognition of any contract that limits the opportunity of any person to obtain housing because of his race, color, or religion; they contain explicit provisions to insure that no loans or guaranties be made on housing accommodations where racial distinctions are to be applied; they require the recipient of the loans, guaranties, or grants to agree to comply with the policy of the act and authorize the Government to revoke and annul the transaction if the agreement is violated; and permit any person who is injured by a violation of the act to sue for triple damages against the wrongdoer. Appropriate provision, subject to court review, is also provided for supervising the operations and rental or sale practices of local housing agencies to insure that they do not violate the policy of the act.

We believe that these provisions are essential to effective realization of the policy envisaged by these bills. Without such machinery, we think that a policy of nondiscrimination in housing would simply pay lipservice to the principle of equality in housing. The provisions in these bills are not burdensome or unjust, and they provide for full and adequate review by the courts. The American Veterans Committee therefore strongly urges that the Congress enact these provisions. Indeed, we would go as far as to say that the enactment of the provisions in the Powell-O'Hara bills should be given top priority along with the enactment of a bill to end discrimination in employment.

The provisions, relating to discrimination in education, do, in the main, two things: (1) They implement the policy of President Eisenhower and his predecessors in office that Federal funds or Federal aid should not be extended to educational institutions which make discrimination among persons because of race, color, religion, or national origin; (2) they follow the recent decision of the Supreme Court on school segregation, now the law of the land, by applying that Court's

ruling to all educational institutions receiving Federal funds or enjoying Federal tax exemption. Discrimination and segregation in education have been given the death blow by the Supreme Court, an act which probably engendered more good will for this country in vast areas of the world than any other recent single action, and the next step is to provide adequate implementation in those areas which can be reached by Congress. These provisions will bring the legislative branch into step with the executive and judicial branches.

The bills relating to peonage do not legislate in a new field. Congress has already made it illegal to hold or return any person to a condition of peonage, to arrest any person with the intent of placing him in peonage, or to do acts of a similar nature. These bills add only one major factor—making it illegal to “attempt” to do any of the acts already prohibited by existing law. This implementation should be made.

These bills protecting the right to political participation without coercion or intimidation do not create new law. They merely codify, and collect in one place, the various aspects of the present laws which have already been established by numerous court decisions over a considerable period of time. These bills are thus merely amplifications of the present form of the statutes involved. For example, it has been long established and consistently held that an “election” is not merely the general election, regularly scheduled, at which the President, Senators, Members of the House, and other national officers are elected, but it is also the primary at which they are nominated, and it is a special election held at any time. The protection against intimidation as to voting one’s choice, or not to vote at all, thus extends to primaries and special elections, and these bills say so specifically. In the same manner, the right to vote in State elections includes primaries and special elections; the right to vote includes the right to qualify to vote, free of distinctions based upon race, color, religion, or national origin; indirect as well as direct distinctions are forbidden; and the courts have power to enforce all the rights set forth above, and these bills say so. There is no possible doubt as to the power of Congress to regulate Federal elections and to prohibit racial discrimination under color of State or local law in any State or local elections.

I think it is fair to say that the fundamental concept of American capitalism is that an individual may better his economic status to the extent that his abilities and energies empower him to do so. But the basic corollary of this concept is the principle of equality of opportunity which permit him to effectively realize the rewards that come from his abilities and energies.

These principles of freedom and equality of opportunity have made our Nation great. But so long as any person is denied the right to compete on the basis of abilities without being subject to the arbitrary barrier of racial or religious discrimination, for so long is the American ideal not realized.

I cannot sufficiently emphasize the concern of the American Veterans Committee on this point. Ever since the founding of this organization, more than a decade ago, we have supported and urged the enactment of fair employment legislation, both at the Federal and State level. We are gratified that many of the industrial States and cities have already enacted such legislation, until now more than 60

million Americans live in jurisdictions which are subject to such laws. But the ramifications and complexities of industrial employment and the impact of discriminatory employment practices upon the economy and well-being of our country are such as to demand the enactment of such legislation by the Federal Government to apply to employers who engage in commerce across State lines or affect interstate commerce.

There have been numerous hearings in past Congresses on bills to prohibit discrimination in employment. The reasons and arguments concerning such bills, and establishing their needs and importance, have been extensively documented. I shall therefore, at this time, simply mention 2 or 3 points relating to the bills on this subject which are now before this subcommittee.

(1) Some of the bills would prohibit discrimination by any employer, no matter how many employees he has. Others would apply the policy only to employers having 50 or more employees. Arguments can be adduced on both sides. On the one hand, every employer should abide by the American principle of equal opportunity. On the other hand, there are many instances where the small shop is a closely knit family-type working unit, which does not substantially affect the employment opportunities of the community. By concentrating its efforts on the larger working units, the proposed Commission to eliminate discrimination in employment will do a better job, and in the long run have more effect on the smaller units than if it tried to attack discrimination in each of the many thousands of these small units.

(2) As I have already indicated, the maintenance of segregated patterns inevitably produces discrimination. Every survey of human activity has proven, time and again, that it is impossible to have equal treatment in a framework of segregation. No matter how hard one might try to provide equality of treatment, the very presence of segregation will always produce inequalities, of one kind or another. The American Veterans Committee therefore, most strongly recommends and urges that any legislation designed to eliminate discrimination in employment should make clear that the maintenance of segregation is an unlawful employment practice, and that the term "discrimination" in the bills applies also to segregation practices.

(3) Employers and employment agencies should be forbidden to print or circulate or sponsor discriminatory advertising or to make racial designations. Whatever purpose could possibly be served by these designations, as in statistical compilations, is wholly outweighed by the discriminatory uses to which such advertising and designations are so often put. I am proud to say, at this point, that it was at the suggestion of the American Veterans Committee that the United States Civil Service Commission recently agreed to eliminate racial designations from the records of Government employees.

(4) Some of the bills provide that the Commission to eliminate employment discrimination may cede to a State agency jurisdiction over any cases where the State law or local ordinance applicable to such cases provides a comparable type of remedy. We have no objection to the enforcement of fair employment practices by States and local agencies. Indeed, such local enforcement would aid in effectuating the objectives of the Federal Act. But we do think that the Federal Act should be amended to make clear that any such cession of jurisdiction is not final and irrevocable. Thus, if the State law or municipal ordinance, by amendment or judicial construction, becomes an inadequate means of providing effective protection to the right to equal opportunity in employment, the Federal Commission should be able, after notice and hearing to the State or local officials, to resume jurisdiction over future cases. A similar provision, for example, is found in the Federal Coal Mine Safety Act of 1952, which authorizes coal mine inspections by State inspectors, pursuant to State plans, but which further authorizes the Federal Bureau of Mines to resume full inspections under the Federal act if the State plan is not adequately adhered to.

These conclude my remarks on the 51 bills which this committee is considering. I would like to add one further matter. There is a subject which is not covered by these bills, a subject which is not solely civil rights in nature, yet, because it concerns men in uniform is of particular interest to the American Veterans Committee.

This relates to one of the most shameful blots on our national honor—when ruffians and thugs, and sometimes, unfortunately, even men who are charged with law enforcement, assault and interfere with American soldiers during their performance of duty and while they are in uniform, solely because of the color of their skin. There is at present no law to protect these men of our armed services.

There is a law to protect Federal judges, United States attorneys, marshalls, FBI men, post office inspectors, Secret Service employees, customs, Internal Revenue, National Park Service, and other Federal officials from such assault. This protection also covers officers and enlisted men of the Coast Guard.

The American Veterans Committee believes that the present law section 1114 of title 18 United States Code should be amended by deleting the words "men of the Coast Guard" and substituting in lieu thereof the words "uniformed members of the Army, Air Force, Navy, Marine Corps, or Coast Guard."

I wish to thank the chairman and the members of the subcommittee both for myself and the American Veterans Committee.

Mr. LANE. The next witness is Mr. Al Hartnett, secretary-treasurer of the International Union of Electrical, Radio and Machine Workers, CIO.

We shall be glad to hear from you at this time, Mr. Hartnett.

Mr. HARTNETT. Thank you, sir.

STATEMENT OF AL HARTNETT, SECRETARY-TREASURER, INTERNATIONAL UNION OF ELECTRICAL, RADIO, AND MACHINE WORKERS, CIO

Mr. HARTNETT. Mr. Chairman and members of this subcommittee, my name is Al Hartnett. I am secretary-treasurer of the International Union of Electrical, Radio, and Machine Workers, CIO, which represents more than 400,000 workers in the United States and Canada. I also appear here today on behalf of the Congress of Industrial Organizations. My testimony, therefore, will represent the viewpoint of both organizations.

I appreciate this opportunity to appear before you to testify in support of the various civil-rights bills currently being considered by this subcommittee.

We of the CIO electrical workers, from the time of our chartering by the CIO in November 1949, have been extremely active in all phases of the struggle for extension of democratic rights and civil liberties. I might add parenthetically that the IUE-CIO is one of the very few American unions in which the civil-rights committee has permanent constitutional status, under the terms of the constitution of the organization.

Our persistent efforts during the past 6 years to wipe out the Communist-controlled United Electrical Workers have reinforced our basic conviction of the necessity to always respect the dignity of man and to protect the democratic rights of each and every person. We know that to effectively combat communism and its perverted program of class warfare we must jealously guard our precious sacred rights of freedom. Such freedom cannot be limited to only a particular portion of our citizens. It must apply to each and every man, woman, and child regardless of their color, race, nationality, or religion. Each American should be given an equal opportunity and not be sub-

jected to second-class citizenship because of the color of his skin, or the nationality of his parents, or the faith he adheres to.

We of the CIO Electrical Workers have made every effort possible to keep our own house in order. Our constitution spells out that the IUE-CIO shall be open to all workers within our jurisdiction "without regard to craft, age, sex, race, nationality, or creed." This has been no hollow pronouncement, but rather it has been rigidly adhered to and enforced.

At the present time more than two-thirds of our members are protected against discrimination in employment by clauses in our collective-bargaining agreements with the various corporations which specifically provide that there shall be no discrimination in hiring, firing, upgrading, or in treatment of workers in the plant because of race, creed, nationality, or origin. These nondiscrimination provisions have been demanded and won because of the importance we attach to the civil-rights issue. We shall not be content until each and every plant in which the workers are represented by the IUE-CIO has such a clause written into its collective-bargaining contract.

In addition to my position as secretary-treasurer of IUE-CIO, I also have the honor of being the chairman of our national civil rights committee. Similar committees are functioning in all 10 of our IUE-CIO districts throughout the country. Almost all of our 400 local unions have also established such committees to carry out our program at plant and local community levels.

I mention this, Mr. Chairman, to emphasize to this subcommittee that our interest in the field of civil rights is a very active one and one of top priority. It is because of this concern that we have asked to testify on these important measures.

The several bills presently before this subcommittee are in our opinion all positive steps toward reaching that goal of equal rights for all citizens. We would like in particular to endorse the omnibus civil rights bills, H. R. 51, H. R. 389, H. R. 702, and H. R. 3688 offered by Congressmen Addonizio, Powell, Rodino, and O'Hara, respectively. These bills would, among other things, provide for an FEPC, end segregation in interstate travel, strengthen existing Federal civil rights statutes, enlarge the Civil Rights Section of the Department of Justice by making it a special division under an Assistant Attorney General, prohibit segregation in Government-assisted housing, halt Federal grants to segregated schools, prevent and punish the crime of lynching, and protect the right of all citizens to exercise their voting privilege.

In considering such legislation, however, we are all well aware of the fact that while great and historic steps have and are being taken by the executive and judicial branches of the Federal Government to wipe out segregation and discrimination, the Congress of the United States has done absolutely nothing in this field for something like, I believe, 80 years.

The reasons behind this apathy on the part of Congress are well known. Built into the legislative structure are rules which give to a minority of the Congress veto power over any meaningful civil rights legislation. I need hardly tell the members of this subcommittee—the majority of whom, I am advised, favor the legislation being considered—of the difficulties faced in obtaining passage of such measures.

Even if effective civil rights legislation should be approved by the House Judiciary Committee the problem immediately rises of obtaining approval of the measures by the Rules Committee. If past performances of the Rules Committee are indicative of future action, the only way civil rights bills will reach the House floor will be by way of a discharge petition, which is at its very best a very difficult task.

An even larger obstacle lies in the Senate in the form of rule 22 which encourages filibusters by providing that cloture applies only with the approval of 64 Senators. Rule 22 has been the roadblock which killed off several civil rights bills passed by the House of Representatives in the past 18 years. The Gavagan antilynching bill passed the House in 1937 by a vote of 227 to 120 only to be filibustered to death in the Senate. Anti-poll-tax bills were approved by the House in 1942, 1943, and 1945 only to be suffocated again in the Senate by filibusters. Again in 1947 and 1949 the House passed anti-poll-tax bills but the Senate failed to act under threat of filibusters. Even the watered-down voluntary FEPC bill which passed the House in 1950 was stopped cold in the Senate due to a filibuster and the impossibility of obtaining the necessary 64 votes to end debate and permit a vote.

It is discouraging for groups which are sincerely fighting for the extension of civil rights to come before Congress year after year to testify in support of badly needed legislation, such as is being considered here, knowing full well that under Senate rule 22 no important bill of this type is even able to come to a vote. It must be equally frustrating, if not more so, to the Members of Congress who are concerned with enactment of civil-rights legislation.

The only way this intolerable situation can be remedied is for Americans, both in and out of Congress, who believe in equal rights for all Americans to rise in righteous indignation and demand that action be taken to change House and Senate rules so that civil-rights bills may be considered and passed. Those in Congress responsible for the frustration of this legislative program should be made known throughout the width and breadth of this country.

Neither the Democratic Party nor the Republican Party can escape their share of the blame for Congress' failure to take action. An analysis of the crucial civil-rights votes shows that northern Republicans have, in too many instances, sided with southern Democrats to block such legislation. The most significant vote in this area in recent years was cast by the Senate on January 7, 1953, when an effort was made by Senator Anderson and others to adopt new Senate rules, including one to apply cloture by majority rather than by a two-thirds vote. When Senator Taft moved to table this proposal only 5 of the 48 Republicans voted in support of Senator Anderson as compared with 15 of the 47 Democrats. Neither was a very proud record. Here was a clear case of Republicans lining up with southern Democrats to preserve the civil-rights gravedigger—rule 22.

I point out these obstacles in the path of civil-rights bills only for the purpose of urging vigorous action to avoid the pitfalls of the past. Those in Congress in the House and Senate, Democrats and Republicans alike, who stand in the way of such legislation should be publicly identified. I believe that the majority of the American people today, thanks to education and the hard work of many groups which

have concerned themselves with civil rights, desire Congress to take the lead in ending segregation and discrimination. The minority in Congress which opposes civil-rights legislation should be made to realize that the day of second-class citizenship is becoming a thing of the past and that the people of America are now seeking the largest possible expansion of democracy's horizons.

This subcommittee can render a very great service if it will not only approve the legislation before it, but also work diligently to secure its enactment by the full Judiciary Committee and the House of Representatives.

Mr. Chairman, we are discussing here today what is probably the No. 1 social issue of our country. There are 17 million Negroes in the United States, two-thirds of whom live in States which treat them as inferiors in every phase of life from the time they are born into this world until the day on which they die. The sin of racism is so immense that we all too often simply close our eyes to the enormity of this social and economic shame.

As leaders and as citizens in this critical century we in America cannot continue to condone the injustice being worked upon our Negro brethren. It is time that we end this national disgrace and put our own house in order.

Because of the large number of bills before this subcommittee, it would be too lengthy a process to testify on each separate proposal. As I have already stated, we endorse completely the various civil-rights measures contained in the four omnibus bills to which I previously referred.

There is one particular measure, however, which I desire to discuss briefly because of its particular significance to working people. I am referring to the proposal to prohibit discrimination in employment as contained in H. R. 51 and H. R. 702, title III; and H. R. 389 and H. R. 3688, title II, part 5.

Under the terms of this legislation, it would be unlawful for an employer to refuse to hire, to discharge, or otherwise discriminate in employment, because of race, religion, color, national origin, or ancestry, or to obtain assistance in hiring from sources discriminating for such reasons. It would likewise be unlawful for a labor union to discriminate or to limit, segregate, or classify membership so as to adversely affect employees or applicants for employment.

It provides for a Federal Commission which would investigate, conciliate, and adjudicate complaints involving such unfair employment practices. This body would be empowered to order cessation of such practices and to undertake remedial action, including hiring or reinstatement of employees with or without back pay. The Commission could petition Federal circuit courts of appeal to enforce its orders, and the Commission's directives could be reviewed by these courts.

Although there is considerable honest difference of opinion as to legislation such as this, there are not many people today who will dispute the fact that discrimination in employment does exist—especially against Negro workers. Such discrimination is by no means limited to the South. It exists in other sections of our country as well.

The Senate Committee on Labor and Public Welfare in Senate Report 2080 (1952) had this to say concerning evidence of discrimination in employment:

No precise statistics of discrimination in employment exist. There is no official and precise total of jobs denied, discharges, or promotions withheld on the basis of race, creed, color, national origin, or ancestry.

But there are unfortunate indexes of discrimination—there are weather vanes which show that the winds of discrimination still blow; the arrows point in no one direction. The ill wind comes from many quarters.

Recent census figures (1950) show that the median annual income of white families and individuals is \$3,647 and for nonwhite families and individuals, \$2,021. As of February 1952 unemployment among white workers was 3.1 percent, but among nonwhites unemployment was 6.2 percent—precisely double. These are national figures. In its first year of operation, 1949-50, the Oregon Fair Employment Practices Advisory Committee requested employers to submit their regular application forms. Of 260 submitted by employers, 166 contained unlawful inquiries about race, religion, ancestry, and the like. Of 16 submitted by employment agencies 14 were improper. Similar experience is reported by other State commissions.

The end of wartime FEPC marked a revival of discriminatory practices in areas which did not fill the void by local legislation. Thus, for instance, the Michigan State Employment Service, experienced a sharp upturn in employer requests for applicants which contained discriminatory specifications amounting to 65 percent of all 1948 job openings in the Detroit labor market. In that year there were 23,000 unfilled requests for workers that excluded workers of specified racial, religious, and nationality groups.

Underutilization of manpower is as critical a problem as refusal to hire. To take an example, Negroes are widely employed. In the majority of cases they are relegated to menial tasks regardless of their training and experience or their potentialities. Negro women employees are concentrated in the domestic service field. Negro men are most usually found in unskilled and semiskilled industrial work, custodial positions, and the like. Our World War II experience and that of States with enforceable fair-employment legislation show that minority workers, formerly excluded from jobs requiring skill and initiative, prove productive and responsible workers when given fresh opportunities to demonstrate their ability. It is equally apparent that fellow employees and supervisors readily accept such new employees.

A staff report prepared in 1952 for the Senate Subcommittee on Labor and Labor-Management Relations entitled "Employment and Economic Status of Negroes in the United States" explored occupational trends from 1940 to 1950 and stated:

Although appreciable gains in the occupational ladder have been made during the last decade, in comparison with white workers, Negroes are predominantly employed in the lower-paying and less-skilled occupations such as operatives, laborers, and service workers.

The report also showed that 60 percent of the Negro women workers were employed in service occupations as of 1950. While the proportion of Negro women employed as clerical workers and semiskilled operatives increased between 1940 and 1950, there were still only 4 percent in clerical occupations as compared with 30 percent for all employed white women.

Among craftsmen the proportion of Negroes as of 1952 was only 4 percent, although Negroes make up more than 10 percent of the total population.

A study prepared in 1953 by the National Planning Association's committee of the South on employment practices in 108 plants, mostly tobacco and textile, in Virginia, Kentucky, and the Carolinas, indicated little change in discrimination practices since 1938. The research for this study was done by resident southerners.

Principal findings of this report which covered 105,000 workers, about 17,000 of whom were Negroes, were:

1. Negroes are never employed in white-collar jobs in white-managed plants.

2. Negroes hold almost no supervisory jobs and never exercise authority over white workers.

3. White and Negro employees seldom work side by side on the same operation.

It is, of course, true that in many instances the reason for Negro workers being at the bottom of the occupational ladder is because they have had less opportunity to obtain the education and training required for better jobs. A Federal FEPC law would not mean an immediate end to the employment roadblock which most Negroes face. Equal employment opportunities will be realized only when the Negroes have equal opportunities for education and training. But a Federal FEPC law would mean that qualified, trained Negroes would not be denied equal job opportunities as is the case generally today.

If the individual States would meet their own responsibilities in this vital area, there would be little need for Federal legislation. In recent years several States have passed FEPC laws, and today there are 15 States with such legislation, including a few with voluntary FEPC laws. Census figures show, however, that only 15 percent of the country's Negro citizens live in these States. The vast majority of Negroes, therefore, are still denied the benefits and protection of equal job opportunities.

The question which we raise is whether democratic America—in its position of world leadership—can in good conscience permit the continuation of this terrible injustice against Negro workers. It is the considered judgment of both the CIO and IUE-CIO that the answer must be an unequivocal no.

It will be contended, of course, that morality cannot be legislated and that first of all a change in attitude must be accomplished through the process of education without coercion of law. In answer to this we say that legislation by the Federal and State Governments does not merely prescribe and proscribe certain lines of conduct but it also very often actually affects the attitudes of the people. In short, legislation can and often does serve an educational function.

Highly pertinent to this viewpoint was a thoughtful article entitled "Can Morality Be Legislated" which appeared in the New York Times magazine on May 22, 1955. I request of the subcommittee that this article be inserted at the end of my testimony for inclusion in the printed record. I have a copy of it available here.

Mr. LANE. That will be done.

Mr. HARTNETT. The authors of this article contend that the law itself plays an important role in the educational process. Here, in part, are their conclusions:

But, while laws may restrain behavior, is there any evidence to indicate that attitudes are affected. Here the evidence seems clear: the law itself plays an important part in the educational process. Again the key to analysis is the social situation.

Legislation and administrative orders which have prohibited discrimination in such areas as employment, the Armed Forces, public housing, and professional associations have brought people of various races together—often with initial reluctance—in normal day-to-day contact on an "equal-status" basis where the emphasis is on doing a job together. Contact of this kind gives people a chance to know one another as individual human beings with similar

interests, problems and capabilities. In this type of interaction racial stereotypes are likely to be weakened and dispelled.

The experience of the various States which have FEPC laws, and of business and trade unions which have eliminated job discrimination indicates quite clearly that a satisfactory solution can be achieved. Once people of different races and complexions come together, work together and know each other as fellow human beings the prejudices, hatreds, and fears instilled since childhood usually diminish. A Federal FEPC law can and will have this same healthy effect.

Mr. Chairman, as I have already stated, the problems involved in obtaining enactment of effective civil rights legislation are difficult ones. But they are problems which should and must be faced up to. This subcommittee can, by approving the omnibus bills presently before it and by working for their adoption by the full committee, render a great service to the cause of human freedom and democracy's prestige throughout the world.

The time for straightforward legislative action is long overdue. Political, economic and social morality cannot extenuate congressional apathy and reluctance to legislate in this field which directly affects millions upon millions of our people. We are hopeful that these hearings will not be an end but rather a beginning by Congress in the huge humanitarian and democratic task of achieving social justice for all regardless of race, color, religion, or national origins.

Congress' responsibility in this matter could very well prove more pertinent that in any other area of our national life—because the advances projected in this legislation involve not only democratic unity at home but the winning of millions of allies abroad in today's climatic struggle between totalitarianism and freedom, human debasement and human dignity.

May I add that I have had an opportunity to read the testimony to be presented to your subcommittee by the United Auto Workers-CIO. The IUE-CIO enthusiastically supports the views and proposals advanced by the UAW-CIO.

Before closing, Mr. Chairman, there has been a matter of considerable interest and import to our Nation and to the world as a whole, which has occurred in the past 2 weeks, and that has been the meeting at the summit. The results of that meeting at the summit, I think, were expressed by President Eisenhower upon his return to Washington just a few days ago. He spoke about, as I recall the words, a new feeling of neighborliness that existed in the world. Well, with two-thirds of the world's people being of a color different than mine and that of the members of the subcommittee, I hardly find it conducive to exploiting or expanding on this feeling of neighborliness if we within our own borders can think of the kinds of acts that are demonstrated so frequently in discrimination against people in their employment, in their ability to travel in public conveyances, in their ability to be free to cast a ballot, and in so many fields in which one finds discrimination.

I think that perhaps, as this testimony says in its printed form, this is the most important single piece of legislation that might be considered by the Congress of the United States. We may be here considering the peace of the world in years to come, we may be here, as we design legislation to wipe out the evil of discrimination, building a

very firm foundation for the expansion of this new neighborliness which some of our people believe exists in the world. I submit to you and to all Members of Congress that serious consideration ought to be given to this most recent portion of my remarks, and that is that the peace of the world is in many respects tied up with passage of the kind of legislation which we are discussing here today.

That concludes my report, Mr. Chairman, and my testimony, and I would be glad to answer any questions which you may have.

Mr. LANE. Thank you, Mr. Hartnett. We appreciate your testimony here today. You have given an excellent and well-prepared statement, and one which goes to the heart of this question. I know that it will help the members of this committee to decide what is best to do.

These bills before us, as you say, may involve some of the most important pieces of legislation to confront the Congress at this time.

You know that in the past some of these Communist groups have been working on our employees in industries, and have been trying to show to them or prove to them, and have been telling the world about, their devotion and their work and their friendship toward civil rights.

As one of the outstanding leaders in the CIO, and the International Electrical Workers Union, I wonder whether or not you have anything to say concerning that claim of those Communist groups who try to wean away some of our good and honest, God-fearing employees in these industries?

Mr. HARTNETT. Well, Mr. Chairman, I do not think there is any more hypocritical group in the world on the question of civil rights than the Communist group. It is known that we, during the past 6 years, and as a matter of fact, before that time, had considerable difficulty within our own organization in winning over the employees in the industry to our way of thinking.

On the specific question of the Communist views on civil rights and civil liberties, I could talk about a number of instances, and one which occurs to me immediately is one which occurred during the last war when it was very unfashionable, as most of us will recall, to talk in any disparaging terms about the Communists. A couple of labor leaders were seized by Stalin and his government—a couple of fellows named Ehrlic and Alter, Polish labor leaders—and these men were seized for some reasons which are not yet quite clear. We believe they were given a trial, or at least we were told they were given a trial, but it was held in secret. No one can be certain that a trial was held, but the fact of the matter is that the two men were summarily executed and we do not know what the crime was with which they were charged. In this country, as well as in other of the freedom-loving countries of the world, meetings of protest were held and one of the meetings was held at Madison Square Garden, in New York City, to protest the slaying of two labor leaders who had fought the good fight for democratic trade unionism, and to protest the fact that they were slain and executed, murdered, if you will, without a trial, and without at least a decent trial.

James B. Carey, secretary-treasurer of the CIO, addressed that meeting at Madison Square Garden, which was attended by thousands upon thousands of people, and he delivered a blistering attack upon a process which deprived people of a fair trial and executed them for

being nothing more than decent democratic leaders of a trade-union group. Carey was not held or accepted with a great deal of pleasure by the Communist movement in this country. His own international union, the UE, which had a few years before dumped him from the presidency because of his opposition to the Communist elements, spoke out and condemned him because of his plea for civil rights and civil liberties for a couple of trade unionists.

A more recent example is one which caused a great deal of discussion. You recall the so-called doctors' plot in the Soviet Union when the accusation was made that certain physicians or doctors were planning to get rid of most of the Russian hierarchy, including Stalin. The doctors were thrown into jail and people throughout the world held their breath for fear that 25 million Jews would face extermination in Russia. Protest meetings were called. Our international union held various protest meetings. We held a protest meeting in New York at which Senator Morse spoke and numerous others participated with us in that same meeting. However, all the time that this was going on not one single word of protest appeared in the Communist Daily Worker, nor in the UE News, or any other publication of the leftwing in this country, protesting the fact that the Russians were on the verge of exterminating 25 million Jews. To the contrary, they found time only to talk about the saving of the lives of two people. Their newspapers were filled at that time with articles having to do with saving the lives of a couple of atomic spies, the Rosenbergs. That was the sole thing which they were concerned with.

There were some other people who were in Communist jails around the world, including Cardinal Mindszenty, and I believe there were some American fliers who had been unjustly jailed, but I find not a single word of protest against those jailings or against those imprisonments.

To the contrary, let us pick up in this country 11 Communists for conspiracy to overthrow the Nation by violent force and you may have all sorts of resolutions and condemnations. More directly than that, at home I had been in various campaigns in which the UE—that is, the union I would be most familiar with aside from my own—campaigned against us on the basis that if you accepted the CIO into your plant, then you would be faced with the possibility of Negro stewards and Negro bosses. That took place in Essington, Pa., in a Westinghouse plant, and that was part of their campaign.

You ask me, Mr. Chairman, about the Communists' devotion to civil rights and civil liberties. When the civil rights or civil liberties belong to some Kremlin stooge or some emissary of the Communist Party, then, and only then, will they advocate the protection of civil rights and civil liberties.

Mr. LANE. You have had experience, I know, Mr. Witness, with your own organization seeking civil-rights legislation?

Mr. HARTNETT. Yes.

Mr. LANE. Do you wish to comment further on that subject?

Mr. HARTNETT. Very frankly, we find the civil-rights legislation in effect today is not even sufficient to assure our constitutional rights. I have in mind a very distasteful situation that exists today that indicates very clearly that a person's constitutional rights can be harmed and handicapped by the lack of decent civil-rights legislation.

In a small plant in Carrollton, Ga., we were asked by people who lived there to organize the plant. I dispatched an organizer there. Our organizer got to Carrollton and was advised, "Before you start organizing, you had better check the town ordinance."

So our organizer checked the town ordinance and found that that ordinance provided that before you can start organizing a plant you must apply to the mayor and city council and secure a license. The cost of that license is \$1,000. Then, in addition to the payment of the \$1,000, for every 24-hour period he spends in the town organizing workers, he must pay an additional \$100. In other words, if we were to put an organizer there on a yearly basis it would cost 365 times \$100 plus the initial payment of \$1,000.

Mr. LANE. Where is that?

Mr. HARTNETT. Carrollton, Ga. So men and women are denied the constitutional right to belong to a labor union of their own choosing. We consider this a very important case. We have taken it to the district courts. Our first efforts in the district courts have been unsuccessful. We spoke to the Civil Rights Division of the Department of Justice and asked them for a hand with this suit. They tell us they cannot do it because this is a civil action and they can only become involved as the Civil Rights Division of the Department of Justice in a criminal action.

We went to the Department of Justice itself and they said it is not of their concern or consideration.

We went to the National Labor Relations Board, to the General Counsel of the National Labor Relations Board, and said, "Your organization will be put out of business by this kind of ordinance." We said, "Not only does it limit our rights to organize, but it limits your functions."

The General Counsel said he was interested, and he wrote us a letter to that effect.

All these things point out that the civil-rights legislation in effect is grossly inadequate.

Mr. LANE. You have met with all kinds of stumbling blocks?

Mr. HARTNETT. We have met with all kinds of stumbling blocks. Oftentimes you hear it said that unions are out to get dues. There may be 100 people in this plant in Carrollton, Ga. If we were to organize them into our union—and it is conjectural whether we could win an election—we would receive \$1 a month per capita. We have spent from \$9,000 to \$10,000 so far in order to assure we will be permitted to go ahead and organize, and we have only scratched the surface. Regardless of the cost of that case we are going ahead because we are earnest in this fight for civil rights and civil liberties. We want to be heard on the merits in that case and we hope in the meantime to get some help in the form of civil-rights legislation. Then maybe we can get the Civil Rights Division of the Department of Justice to get interested in cases other than criminal cases, and maybe the Department of Justice itself can give us a hand, and maybe the National Labor Relations Board, if they get help from the Congress, will give us a hand.

We find a confining of civil rights and civil liberties being used to make impossible organization into free trade unions, and that to us verges very closely, if it is not completely so, on a state of fascism, and that we will resist as much as we can.

Mr. LANE. Your union is to be commended for trying to do something about that situation. I believe Mr. Burdick has a question.

Mr. BURDICK. In paragraph 2 on page 2 of your statement you say :

At the present time more than two-thirds of our members are protected against discrimination in employment by clauses in our collective-bargaining agreements with the various corporations which specifically provide that there shall be no discrimination in hiring, firing, upgrading, or in treatment of workers in the plant because of race, creed, nationality, or color.

Why are not all of them protected against such discrimination?

Mr. HARTNETT. We would desire that they all be covered. They are not covered because the employers pretty generally resist a non-discrimination clause in our collective-bargaining agreements.

For example, General Electric is no doubt the biggest corporation in the field. We have been fighting with General Electric ever since our existence 5 years ago to secure a provision in the agreement that there shall be no discrimination because of sex, and they have successfully resisted the inclusion in the agreement of a provision against discrimination because of sex. We are taking up the fight again this year and hope we will be able to resolve the issue. We do not know that we can. We cannot say that all our members are covered by non-discrimination clauses under those circumstances.

There is a reason for General Electric resisting the inclusion of such a clause in the agreement. If the women are paid similar rates as men in similar jobs, then General Electric will have its big profits dipped into just a little bit. And, in the case of Westinghouse, if Westinghouse does not have to keep married women maybe they can get young girls and unmarried people who are undisturbed by reason of having children at home and can bring more production into the company.

Mr. BURDICK. In many instances the opposition of the employer prevents you from inserting nondiscrimination clauses in the collective-bargaining agreements?

Mr. HARTNETT. In every case where we do not have it, it is because of opposition on the part of the employer and not because we have not pushed for it. There is no exception to that.

Mr. BURDICK. I think the CIO has done a wonderful piece of work in getting the nondiscrimination clause in as many collective-bargaining agreements as they have been able to. That settles the question right there.

Mr. HARTNETT. It settles it right there, but we cannot get it as fast as you and I both would like it.

Mr. BURDICK. Do you not think the denial of civil rights is the denial of the protection of the Constitution of the United States?

Mr. HARTNETT. I certainly do, if we are to believe the preamble to our Constitution.

Mr. BURDICK. In other words, if we do not take action on civil rights we will deny a large portion of citizens of the United States a right to be protected by the Constitution of the United States?

Mr. HARTNETT. That is exactly right.

Mr. BURDICK. Here is another thing. I think you made a very alarming statement here, perhaps you did not know it.

Mr. HARTNETT. I hope I did, anyway.

Mr. BURDICK. In the last paragraph on page 8 you said:

The question which we raise is whether democratic America—in its position of world leadership—can in good conscience permit the continuation of the terrible injustice against Negro workers.

In other words, our position before other nations of the world is crippled where we ourselves are denying our citizens these rights.

Mr. HARTNETT. I think that is perhaps the most important single item in the entire statement.

Mr. LANE. In other words, we should practice what we preach?

Mr. HARTNETT. Absolutely. I do not see how we can attract the people of India to us as long as we make a distinction because of color or creed or any other reason. If there is a conflict in the years to come, I do not want to see it. It would seem our own desire for peace and our own Americanism should dictate to us that this is the thing to do, to make sure every American has equal opportunity. Then we can say to the rest of the world, "See what you get in democratic America."

We ought to advertise, as advertising men do, the best products we have. We ought to be able to point out that in America you can get everything that is fine and decent.

Mr. BURDICK. Is that not about as good an argument as you can make against communism?

Mr. HARTNETT. It is, but communism is left with a weapon as long as they can point to one lynching or point to the fact a person cannot get a job because he is a Catholic or a Negro.

Mr. BURDICK. I want to compliment you on your written statement.

Mr. HARTNETT. Thank you.

Mr. BURDICK. And I want to compliment you more on your offhand statement.

Mr. HARTNETT. Thank you.

Mr. BURDICK. That shows your thinking without deliberation.

Mr. HARTNETT. Thank you.

Mr. LANE. And we thank you for coming before our committee.

Mr. BOYLE. Before we conclude his testimony, I want to ask this question.

Mr. LANE. Mr. Boyle.

Mr. BOYLE. Coming back from this whole panoramic international view, what has been your union's experience with respect to the fate of Negroes in administrative or clerical jobs?

Mr. HARTNETT. Our experience—speaking for the entire CIO—has been that Negroes in administrative or supervisory jobs are practically unknown. They are very few and far between. Likewise, there are very few in the so-called white-collar jobs, typists, and so on.

I think that is traced back to the fact most of these workers are not organized. White-collar workers for the most part are not organized. The progress that has been made in many other areas of corporations is directly traceable to the fact unions have been in there fighting a good fight.

I could take my own union in the Electric Storage & Battery Co., represented by local 113 of our union, which I could say is the finest local union in the country. We had Negroes in every job possible. There was not the remotest discrimination or segregation in that bargaining unit. But when you walked from the bargaining unit to

the white-collar unit, which was not organized, you could not find a Negro. You could not find, sometimes, anyone of a different religious conviction. I could not say what the factual situation is today among these white-collar workers, but I would venture to say the number of Negroes in white-collar positions is negligible. Every position in the bargaining unit is open to Negroes.

Mr. BURDICK. I think you have accomplished more through your organization than Congress has through legislation.

Mr. HARTNETT. That is because of the reluctance on the part of Congress to pass civil-rights legislation. There is no reluctance on our part.

Mr. BURDICK. I do not belong to the CIO, but I admire it for its work.

Mr. HARNETT. We would be delighted to have you as a member.

Mr. JANE. Again, we thank you for your testimony and the illustrations you have given of how this program is working in the electrical industry and the feelings of the CIO organization. We have great respect and admiration for the CIO organization, and I want to endorse the feeling of my colleague that you have done a good job in organizing the workers of America.

Mr. HARTNETT. Thank you, Mr. Chairman.

(The following paper, entitled "Can Morality Be Legislated?" was submitted for the record by the witness:)

[From the New York Times magazine, May 22, 1955]

CAN MORALITY BE LEGISLATED?

(By John P. Roche and Milton M. Gordon)

"Yes," say these observers, as the Supreme Court's desegregation decrees are awaited. Under certain conditions, "the majesty of the law not only enforces, but creates, morality."

The Supreme Court is pondering its decision on how and when to carry out its ruling of a year ago that public school segregation is unconstitutional. It is therefore timely to examine the relationship between law and mores, between the decrees of courts and legislatures and the vast body of community beliefs which shape private action.

While it is not perhaps customary to think of the Supreme Court as a legislative body, the cold fact is that in the desegregation cases, the nine Justices have undertaken to rewrite public policy in at least 17 States and innumerable communities. Indeed, it would be difficult to find a recent congressional enactment that equals in impact and scope this judicial holding. Whether one approves or disapproves of such judicial acts, it is clear that the court has undertaken a monumental project in the field of social engineering, and one obviously based on the assumption that morality can be legislated.

Opponents of the desegregation decision have, with the exception of a fringe of overt white supremacists, largely founded their dissent on the principle that law cannot move faster than public opinion, that legal norms which do not reflect community sentiment are unenforceable. They cite the dismal failure of prohibition as a case in point, urging that basic social change, however desirable, must come from the bottom, from a shift in grassroots convictions.

On the other hand, the Court's supporters maintain that virtually every statute and judicial decree is, to some extent, a regulation of morality. Indeed, they suggest, if the moral standards of individuals were not susceptible to state definition and regulation, we would never have emerged from primitive barbarism.

In this article, we shall examine from the viewpoint of the social scientist the evidence on both sides of the question, and see if it is possible to extract any meaningful conclusions.

First of all, we must delve into the relationship that exists in a democratic society between law and community attitudes. While this is a treacherous area, full of pitfalls for the unwary generalizer, it seems clear that, as distinguished

from a totalitarian society, law in a democracy is founded on consensus. That is to say that the basic sanctions are applied not by the police, but by the community. The jury system institutionalizes this responsibility in such cases as mercy killings or those involving the unwritten law by finding citizens who have unquestionably killed not guilty.

Conversely, juries applying other sections of the criminal code—notably those penalizing subversion—will often bring in verdicts of guilty based not so much on technical guilt as upon the proposition that the defendant should be taken out of circulation. In another area of the law, insurance companies, faced with damage suits, have learned to shun juries like the plague. Indeed, they will frequently make unjustified out-of-court settlements in preference to facing a jury that begins its labors with the seeming assumption that no insurance company of any standing would miss \$100,000.

From this it should be clear that in the United States law is a great deal more, and simultaneously a great deal less, than a command of the sovereign. Thus one can safely say that no piece of legislation, or judicial decision, which does not have its roots in community beliefs, has a chance of being effectively carried out.

To this extent, it is undeniable that morality cannot be legislated, it would be impossible, for example, to make canasta playing a capital offense in fact, even if the bridge players' lobby were successful in getting such a law on the books. This is a fanciful example, but in our view the Volstead Act and the 18th amendment were no less unrealistic in objective; like H. L. Mencken's friend, Americans seem willing to vote for prohibition as long as they can stagger to the polls.

Excluding these extreme efforts to legislate morality, which are obviously unsound, we now come to the heart of the problem: Under what circumstances will an individual accept distasteful regulation of his actions? To put it another way: What are the criteria which lead an individual to adjust his acts to the demands of the state?

Specifically, why do people pay taxes when they disagree strongly with the uses to which the money will be put? A large-scale tax revolt, as the French have recently discovered, is almost impossible to check without recourse to martial law and police state methods, but the average taxpayer grouches and pays. While Americans are not, by and large, as law abiding as their British cousins, it is probably fair to say that most of us obey most laws without even reflecting on their merits.

This problem of the basis of legal norms has proved a fascinating one to sociologists. In the past 15 years some significant new thinking on the subject has grown out of empirical research, more incisive analysis, and general observation of large-scale experiences with legal desegregation in important areas of American life such as employment, public housing, and the Armed Forces.

The old categorical view stated in classic fashion by the sociologist, William Graham Sumner, was that law could never move ahead of the customs or mores of the people—that legislation which was not firmly rooted in popular folkways was doomed to failure. The implication was that social change must always be glacierlike in its movement and that mass change in attitudes must precede legislative action.

The newer viewpoint is based on a more sophisticated and realistic analysis of social processes. In the first place, it questions the older way of stating the problem in terms of all or nothing. Any large, complex society, with its multiplicity of social backgrounds and individual experiences, contains varying mores and attitudes within itself. On any given piece of legislation there will not just be supporters and enemies; rather there will be many points of view, ranging from unconditional support, through indifference, to unmitigated opposition.

Thus, the degree of success that will attend such an enactment is the result of a highly complex series of interactions and adjustments among people with diverse attitudes toward the measure itself and toward the imposition of legal authority. Furthermore, it is predictable that a large segment of the population will be basically neutral, if not totally indifferent.

To put the matter in an even broader framework, the prediction of behavior must take into consideration not only the attitudes of the individual but also the total social situation in which his behavior is to be formulated and expressed. For instance, people with ethnic prejudice are likely to express themselves in a social clique where, anti-Semitic jokes are au fait, but will restrain themselves in a group where such remarks are greeted with hostility. Once the bigot realizes that he must pay a social price for his anti-Semitism, he is likely to think twice before exposing himself to the penalty.

In this connection, Robert K. Merton, Columbia sociologist, has set up an incisive classification, suggesting that four major groups can be delineated:

(1) The all-weather liberal, who can be expected to oppose prejudice and race discrimination under any set of social conditions; (2) the fair-weather liberal, who is not himself prejudiced, but who will stand silent or passively support discrimination if it is easier and more profitable to do so; (3) the fair-weather illiberal, who has prejudices, but is not prepared to pay a significant price for expressing them in behavior, preferring rather to take the easier course of conformity; and (4) the all-weather illiberal, who is prepared to fight to the last ditch for his prejudices at whatever cost in social disapproval.

If we apply this classification to such a problem as desegregation, it immediately becomes apparent that the critical strata, so far as success or failure is concerned, are groups (2) and (3). Group (1) will support the proposal with vigor and group (4) will oppose it bitterly, but groups (2) and (3) will carry the day.

But because groups (2) and (3) are not crusaders, are not strongly motivated, they are particularly susceptible to the symbolism of law. Thus the fact that fair-employment practices have been incorporated into law, or that the Supreme Court has held school segregation unconstitutional, will itself tend to direct their thinking toward compliance.

The symbols of state power are to the undedicated nonrevolutionary mighty and awesome things, and he will think long and hard before he commits himself to subversive action. Consequently, the law tends to become, in another of Merton's phrases, a "self-fulfilling prophecy"; that is, a statute tends to create a climate of opinion favorable to its own enforcement. As John Locke long ago pointed out, the great roadblock to revolution is not the police but the habits of obedience which lead the law-abiding majority to refrain from even legitimate and justified resistance.

American experience over the past decade and a half seems to confirm this hypothesis. By legislative action, executive order, and judicial decision, the race prejudices of Americans have been denied public sanction. Fair employment practices commissions, of national scope during the war and subsequently operative in a number of States and municipalities, integration of the Armed Forces, integration of many segregated schools, elimination of white primaries and removal of racial restrictions in many professional associations—all these have provided a living laboratory for the study of the impact of law on the mores.

At virtually every stage in the development, strong voices were raised to plead that morality could not be legislated, that an end to discrimination must await an unprejudiced public. Yet, the results indicate a high degree of compliance, some covert evasion, and only a few instances of violent resistance.

Moreover, it should be kept in mind that the success of desegregation laws or orders need not be measured against a hypothetical standard of 100 percent but against the usual standards of law enforcement. Even laws against homicide and rape, which have overwhelming community support, are occasionally violated.

But, while laws may restrain behavior, is there any evidence to indicate that attitudes are affected? Here the evidence seems clear: the law itself plays an important part in the educational process. Again the key to analysis is the social situation.

Legislation and administrative orders which have prohibited discrimination in such areas as employment, the Armed Forces, public housing, and professional associations have brought people of various races together—often with initial reluctance—in normal day-to-day contact on an equal-status basis where the emphasis is on doing a job together. Contact of this kind gives people a chance to know one another as individual human beings with similar interests, problems, and capabilities. In this type of interaction racial stereotypes are likely to be weakened and dispelled.

Such a favorable change of attitude as a result of personal contact has been reported in a number of studies. In one carefully designed research project, Morton Deutsch and Mary Evans Collins found that white housewives who had been assigned to public housing projects which were racially integrated tended to develop favorable attitudes toward Negroes, while the vast majority of those who occupied segregated housing tended to remain the same in their racial views. A study of integration in the Army reached a similar conclusion.

Findings such as these support a considerably broader and more complex conception of the relations between legal norms and human acts and attitudes than did the older, simpler Sumner thesis. In this more comprehensive analysis,

law itself is seen as a force which, in its impact, does more than prohibit or compel specific behavior. Indeed, in its operation, law actually provides the setting for types of social relationships—relationships which may have a profound effect on the very attitudes which are necessary to adequate enforcement of the statute in question.

We thus come down to the final and crucial problem. It is plain that under some circumstances morality can be legislated, while under other conditions, the laws prove impotent. But what are the specific factors which must be evaluated? What criteria can be offered as a guide to intelligent and effective action in these touchy areas of belief, superstition, and vested prejudice? The following four considerations are suggested as a beginning:

First, the amount of opposition and its geographical spread. If a random of 15 percent of the population, roughly gaged, opposed some regulation, there will probably be little difficulty in gaining public acceptance and enforcement. However, and this is particularly relevant to the desegregation problem, if the 15 percent all live in one compact geographical area where they constitute a majority, control local government and supply juries, the magnitude of the problem is much greater.

Second, the intensity of opposition. This is a qualitative matter, for, to paraphrase George Orwell, while all Americans are created equal, some are more equal than others. A proposal which is militantly opposed by opinion-formers in the American community—for example, ministers, lawyers, newspaper editors—will have much harder sledding than a nose count of the opponents would seem to justify, and, conversely, a measure which receives the support of this key group, or significant segments of it, can overcome a numerically large resistance.

Much of the success of the Negro in overcoming his legal, social, and economic disabilities has been an outgrowth of the strong stand on his behalf taken by church leaders, journalists, trade unionists, businessmen, and politicians who have created a climate of opinion favorable to Negro claims and who have based their assertions on the values which constitute the American creed: Equality of treatment under law and human brotherhood under God. With this quality of support, much can be accomplished even against great numbers.

Third, the degree to which sanctions can be administered. Here we turn to the practical problems of enforcement, and it is at this point that prohibition really should have run aground long before it was incorporated into public policy. Home manufacture of alcoholic beverages has, according to well-informed sources, even survived in the Soviet Union, and if the MVD is incapable of banning private brew, there is little reason to suspect that a democratic society could handle the job.

It cannot be emphasized too often that general principles of morality are no stronger than the instruments by which they are implemented; it would thus be legislative folly to try to prohibit people from disliking Jews, Negroes, Catholics, or Protestants. However, making gin in the bathtub, or disliking minorities, is not action equivalent to segregating schoolchildren on the basis of their pigmentation.

Because it is nearly impossible to regulate what goes on in millions of private homes, it does not follow that enforcement of desegregation in public institutions will be equally difficult. In sum, false and misleading analogies must be avoided, and each proposal must be examined on its merits to determine whether or not it is enforceable.

Fourth, the diligence of enforcement. It is extremely important that enforceable regulations be diligently enforced. This is particularly true in the initial period when public attitudes (specifically, the attitudes of Merton's group (2) and (3) are in the process of formation. Flagrant refusal to obey usually is designed as a symbolic act to rally the undecided, and strong action at such a time will convince many wavering minds that the best course is compliance.

The Milford, Del., episode, where parents, stirred up by agitators, refused to send their children to a desegregated school, is a good case of study of what should not happen; their vigorous action by the State authorities, such as occurred under similar circumstances in Baltimore, would have dampened the ardor of the fanatics and decimated their fellow travelers. The danger is that successful symbolic defiance plants the dragon seed and brings into the resistance movement those who would otherwise remain interested and sympathetic spectators—at a distance.

In short, to ask, "Can morality be legislated?" is actually to pose the wrong question. What types of morality, under what conditions, and with what tech-

niques for enforcement are qualitative considerations which fragment the question into more answerable units. Our analysis suggests that, although large-scale local considerations may call for special circumstances of implementation, the majesty of the law, when supported by the collective conscience of a people and the healing power of the social situation, in the long run will not only enforce morality but create it.

(NOTE—This article was written prior to the Supreme Court decision of May 31, 1955, assigning to the lower courts the responsibility for seeing that its desegregation decision is carried out as promptly and completely as local conditions permit.)

Mr. LANE. I will call as the next witness Congressman Diggs, of Michigan, who was scheduled to testify this morning but because of other engagements he was not able to be with us but he is here this afternoon and I would like to know if he would like to say a word or two at this time.

Congressman Diggs is the author of H. R. 3578, H. R. 3579, H. R. 3580, H. R. 3581, H. R. 3582, H. R. 3583, and H. R. 3585, and is one of the Members of Congress who is vitally interested in this subject. We will be pleased to hear from him at this time or later, if he desires.

STATEMENT OF HON. CHARLES C. DIGGS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. Diggs. Mr. Chairman and members of the committee, I appreciate your indulgence. I was not here this morning because, as you know, the session is drawing to a close pretty fast and there are times one is not able to do all the things he is scheduled to do.

In looking over the list of people who were to testify this afternoon, I was very happy, first of all, to see that it was a representative group. It does indicate that support for measures of this kind does come from diversified sources, and that we are not dealing solely with a so-called Negro question, but we are dealing with a question whose general acceptance is apparent as it affects more than one group. I was glad to see the witness who just stepped down emphasize the relationship between this human relationship question we are dealing with and the world situation.

In passing I would like to say I am happy to see so many distinguished representatives of organizations here who I know have been fighting for civil rights for a long time.

I am particularly happy to see in that group a person who is a constituent of mine, Mr. Bill Oliver.

During my few months in Congress I have noticed a growing change in the thinking on this legislation. I know some of you realize this is one of the few hearings that has been held on legislation of this kind, and that there are changes in thinking as it relates to this legislation.

Of course none of us are satisfied with hearings alone; we want action on this legislation, and I think the hearings we have been granted are a prelude of action to come.

Thank you.

Mr. LANE. Thank you.

The next witness is Mr. Paul Sifton, national legislative representative of the UAW-CIO.

Mr. SIFTON. Mr. Chairman, Mr. William H. Oliver, codirector of the fair practices and antidiscrimination department of the UAW-

CIO, and I will present the statement for the UAW-CIO. Mr. Oliver will carry the principal part of it, if that is agreeable to the chairman.

Mr. LANE. You may proceed.

STATEMENT OF WILLIAM H. OLIVER, CODIRECTOR OF THE FAIR PRACTICES AND ANTIDISCRIMINATION DEPARTMENT, UAW-CIO, ACCOMPANIED BY PAUL SIFTON, NATIONAL LEGISLATIVE REPRESENTATIVE, UAW-CIO

Mr. OLIVER. Mr. Chairman and members of the committee, my name is William H. Oliver. I am codirector of the fair practices and anti-discrimination department of the UAW-CIO. The other codirector is President Walter P. Reuther, who I am sure would have been here today to testify had we had earlier notice of these hearings. Mr. Reuther presented the first testimony for our organization back in 1947, and we had a reprint of that testimony and it was distributed pretty broadly.

With me today, as Mr. Sifton has stated earlier, is Mr. Paul Sifton, national legislative representative.

We are very pleased to have the opportunity to be here this afternoon. We feel that it is an obligation of ours to appear and present testimony here in support of the many civil-rights bills which are pending before this committee, as well as FEPC and other civil-rights measures.

Because we have a rather lengthy statement, Mr. Chairman, I would like to request that this prepared testimony be made a part of the official recorded record.

Mr. LANE. Would you like to have that done at this point in the record?

Mr. OLIVER. Yes, please.

Mr. LANE. We will be glad to make it a part of the record at this point.

(The statement referred to is as follows:)

STATEMENT TO THE HOUSE JUDICIARY COMMITTEE IN SUPPORT OF AN EFFECTIVE FEDERAL FEPC AND OTHER CIVIL RIGHTS BILLS, PRESENTED BY WILLIAM H. OLIVER, CODIRECTOR OF THE FAIR PRACTICES AND ANTIDISCRIMINATION DEPARTMENT, UAW-CIO, AND PAUL SIFTON, NATIONAL LEGISLATIVE REPRESENTATIVE, UAW-CIO

Mr. Chairman and members of the committee, this is the fifth time in 8 years that representatives of the UAW-CIO have appeared before congressional committees to state the need for an effective Federal FEPC law.

Today, as we shall show later, with more than 2½ million unemployed, the unemployment rate among nonwhite workers is twice as high as the unemployment rate among white workers.

Again we plead that fine words and political party platforms, campaign speeches, and bills that heretofore have died in committee files or on House and Senate Calendars be carried all the way through to enactment and enforcement with adequate funds.

We recognize the hard fact that any effective FEPC bill and any other substantial civil-rights bill faces rough going in the 84th Congress, either in the first session now drawing to a close or in the second session, starting in January 1956.

We recognize the fact that the way has been made harder for such legislation because we do not have majority rule in the United States Congress.

The American people may propose and plead; by using the discharge petition to get them to the floor, the House may pass FEPC and other civil-rights bills. But an anti-FEPC, anti-civil-rights minority in the Senate operating under Senate rule 22 stands ready to try to block and defeat the will of the majority of the American people, of the Members of the House and of the Senate by resorting to—or by threatening to use—the filibuster.¹

These obstacles can be overcome by determination and stamina of the type displayed by the enemies of civil-rights legislation.

The House Rules Committee's pocket veto can be set aside; the Senate filibuster can be broken when the majority decides to break it by wearing the filibusters down and out, meanwhile dramatizing for the American people the fact, too little known and understood, that we do not have majority rule.

Despite the threat of veto-by-filibuster, the House hearings are worthwhile

Faced with the continual threat of veto by filibuster, the most undemocratic and antidemocratic feature of our Federal Government and one which we contend is unconstitutional,² we nevertheless deem these very brief 3 days of hearings on some 53 civil-rights bills, including FEPC, of major importance. We consider it a duty to present again for the fifth time a comprehensive statement in support of effective civil-rights legislation and, particularly, a law that will establish an effective Federal FEPC, such as is provided in the Powell bill (H. R. 690) and identical or similar bills introduced by other Members of the House.

We urge your committee to report out such a bill and to follow up such action by pressing with the greatest determination for consideration, debate, and final vote by the Members of the House. If the House Rules Committee, which is controlled on many vital matters by a bipartisan coalition of southern Democrats and Republicans, refuses to report out the bill, we hope that a discharge petition will be circulated early in the second session in order to make sure that the measure can be brought to the floor early in that session.

Although all this effort, expenditure of time and money by organizations and individuals devoted to the cause of establishing fair employment and other civil rights may be frustrated by the roadblock of the filibuster, the undertaking is worthwhile. It gives an opportunity to bring before the Members of the Congress and before the American people the up-to-date story of ways in which our pretensions and our fine words about freedom and democracy and equality of opportunity are made bitter on the tongues of some 20 million Americans who are discriminated against as members of minority groups and are contradicted by the day-to-day facts of discrimination as seen and heard by the peoples of other nations.

The report and recommendation of your committee and the debate upon the bills you recommend will prick the conscience of the Congress and of those among the American people who may have been given the impression that actions by State and local governments are adequate to meet the needs.

More than same solemn political Virginia reel is needed

On March 2, 1954, in a statement presented for the CIO and the UAW-CIO, President Walter P. Reuther told a congressional committee (the Senate Labor and Public Welfare Committee) that for us or for a congressional committee simply to retell the story of the need for an effective FEPC and nothing more may raise "false hopes." Quoting an earlier statement on behalf of the UAW-CIO made in a similar hearing April 21, 1952, President Reuther said:

"To discuss the need for FEPC in a legislative vacuum would be to engage in transparent political paperhanging in an election year. It would not fool any considerable number of the more than 20 million American workers and their families who suffer the daily injustice of discrimination in employment. They know that the reason why they continue to suffer such discrimination is not because this committee has not acted on this FEPC legislation until now. They know it is because majority rule, necessary to get to a Senate rollcall vote on FEPC itself, is strangled by Senate rule 22.

¹ "I am not suggesting that the filibuster is the regular order of the day on this floor. It does not have to be. However infrequently the hammer on the filibuster gun is drawn back and cocked, this veto power of the minority over the will of the majority is, as all of us well know, a factor never overlooked in legislative drafting, appropriations, strategy, and tactics in the Senate of the United States. It affects and conditions every piece of legislation from the time it is a twinkle in the eye of its parent through every stage of gestation and birth"—Senator Clinton P. Anderson (Democrat, New Mexico), 100 Congressional Record, pt. 1, January 18, 1954, p. 849.

² See brief presented to Senate Committee on Rules and Administration, hearings, October 2, 3, 9, and 23, 1951, pp. 125-147.

"And the realization is growing that, by making a Senate vote on FEPC and other vital legislation less likely than in the past, rule 22 has converted a chronic legislative malady into an acute constitutional crisis that is a threat to the Nation's welfare and security."

Reviewing 7 years of effort frustrated by the veto power of the filibuster imposed upon the majority, President Reuther said that two comments seemed fair and justified.

The first: "Hope deferred maketh the heart sick."

The second, as true now as when it was made more than a year ago, is:

"Members of minority groups and millions of other Americans who want FEPC, who have worked and ought and voted for it for 7 years, are sick, tired, and disgusted with the endless repetition of a solemn political Virginia reel wherein speeches are made, planks are inserted in platforms or are left out of the platforms, and pencilled into campaign speeches, bills are introduced and reintroduced, hearings are postponed and finally held with the expenditure of great time, effort, money, and the reassembly of well known facts about justice on the job front, and at the end all action is boxed in the dead end of filibuster alley while hope of FEPC is strangled by the antidemocratic action of a filibustering minority.

"Yet, despite this feeling of heartsickness and exasperation, we join with others who are in earnest about FEPC in coming here and again laying out for your committee, for the record and for those in press and radio who care and dare, and for the American people, the tragic human facts, the economic loss, the forfeiture of moral leadership among the people of the world that daily flow from continued discrimination in employment."

I THE SETTING IN WHICH THE 1955 HEARINGS ON CIVIL-RIGHTS BILLS ARE HELD

Congress has not adopted a single civil-rights measure in the past 80 years.

We have had progress not because of, but in spite of, a Congress pinned down like Gulliver under myriad strands woven by those who fear majority rule. We have had progress by executive action, by State and local legislation, by the courts, but not by the Congress.

House attempts to get an effective FEPC law

The House Labor Committee favorably reported out a bill authorizing a permanent FEPC. The Rules Committee refused it a rule. This action was used as a basis for the Appropriations Committee's refusal to ask for funds for the wartime agency on grounds that the Rules unit would refuse a waiver rule on the entire war agencies funds bill, of which the FEPC item was to have been a part. The upshot was that the House could not get a clear vote on either the FEPC authorization bill or the FEPC funds item.

In 1945, the wartime FEPC established by President Franklin D. Roosevelt was put under a death sentence by a rider attached to an appropriation bill after a series of parliamentary maneuvers including Senate filibustering and the refusal of the House Rules Committee to grant a rule permitting the House to consider, debate, and vote upon either an appropriation or a permanent authorization for the agency on its own merits.

In 1949, the House Education and Labor Committee held hearings on FEPC and favorably reported a bill for floor action.

In 1950, under the 21-day rule permitting committee chairmen to bypass the bipartisan coalition in the House Rules Committee and bring a bill directly to the House floor 21 days after it had been reported to the Rules Committee, an FEPC bill was put on the House floor for debate and vote. On this occasion, southern Democrats joined with Republicans in voting to substitute the Republican McConnell FEPC bill which lacked the power of enforcement through the courts for the Powell bill providing for such enforcement.

Even this weak substitute bill, containing subpoena power to obtain books, records, and testimony, but lacking any means for obtaining compliance with recommendations, died in limbo, killed by the veto of the filibuster threat in the Senate.

Frustration in the Senate—Veto by a filibustering minority

In 1946, a Senate filibuster against a motion to close debate on the Chavez FEPC bill blocked a vote on the issue.

In 1947, during the Republican-controlled 80th Congress, the Ives bill, virtually identical with the Chavez bill and having Senator Chavez and other Democrats as cosponsors along with Republicans, was the subject of extensive hearings.

It was favorably reported and hung on the calendar where it died after Senator Russell, challenging a cloture petition filed August 2, 1948, to break a filibuster against taking up an anti-poll tax bill, had been sustained by the Republican president pro tempore of the Senate. Though favoring FEPC and effective cloture, Senator Vandenberg said he felt bound by precedent to hold that rule 22 did not permit limitation of debate upon a motion to take up a bill. He described this as "the fatal flaw" which robbed the rule of meaning.

On March 17, 1949, a few weeks before a bipartisan coalition defeated liberalizing amendments to the Taft-Hartley Act, a bipartisan coalition strengthened the veto power of the filibuster by voting 63 to 23 for a new rule 22 which, while applying cloture to any bill, resolution, measure, or motion, raised the requirements for limiting debate to 64 votes. It compounded the unconstitutionality of this rule by adding a provision (sec 3) that even the new rule 22 could not be used to break a filibuster against a motion to take up a change in rules, thus attempting, in the words of the Senate majority leader, "to nail the Senate's feet to the floor for a thousand years."

In 1950, a bipartisan minority opposed to FEPC and other civil rights legislation twice defeated the will of the majority in attempts to take up the same FEPC bill, which had been reported out September 23, 1949. On May 19, the Senate voted 52 to 32 to break the filibuster and proceed to the consideration of the FEPC bill, on July 12, the vote was 55 to 33. Because these votes were 12 and 9 less than the 64 needed to override the veto of the filibusterers, the filibustering minority was able to veto the will of the majority; the bill was laid aside without further effort to wear out the filibusterers.

A congressional committee tells where the body of FEPC is buried

In April 1952, late in the second session of the 81st Congress, hearings were held on the Ives-Humphrey bill, virtually identical with earlier FEPC bills and with the bills now before this committee. On July 3, almost unnoticed in the rush to Chicago for the Republican and Democratic National Conventions, the Senate Labor and Public Welfare Committee—Senators Hill, Taft, and Nixon dissenting—reported out the bill with the recommendation that it pass, but, as had been suggested by us during the hearings, stating in polite parliamentary language just where the body of FEPC was buried, who had killed it and why:

"Unfortunately, it lies within the power of a few to prevent real consideration of this matter in the Senate. We urge free and complete debate, but we deplore the provisions of rule 22 which permit enfeeblement of this great deliberative body."

The 1952 Republican pledges on civil rights

The 1952 Republican platform was silent on the question of the veto power of the filibuster, it passed the buck to the States on FEPC, a position spelled out during the campaign by the Republican Presidential nominee, as noted below. The platform said:

"We will prove our good faith by * * * enacting Federal legislation to further just and equitable treatment in the area of discriminatory employment practices. Federal action should not duplicate State effort to end such practices; should not set up another huge bureaucracy."

The 1952 Democratic platform pledged Federal action for FEPC and other civil-rights legislation and faced up to the parliamentary reality of veto by filibuster in pledging the establishment of majority rule in the Congress:

"We favor Federal legislation effectively to secure these rights to everyone: (1) The right to equal opportunity for employment, (2) the right to security of persons * * *"

"In order that the will of the American people may be expressed upon all legislative proposals, we urge that action be taken at the beginning of the 83d Congress to improve congressional procedures so that majority rule prevails and decisions can be made after reasonable debate without being blocked by a minority in either House."

As 1952 presidential candidate, General Eisenhower said:

"State by state, without the impossible handicap of Federal compulsion, we can and must provide equal job opportunities for our citizens, regardless of their color, their creed, or their national origin. Here is one sound approach. If I am elected to the office for which I am now a candidate, I will confer with the governors of the 48 States. I will urge them to take the leadership in their States in guaranteeing the economic rights of all of our citizens. I will put at their disposal all of the information, all of the resources, and all of the know-

how, which a new administration can provide. I will myself be at their disposal, if they desire, to support the acceptance in the various States of a program which will enlist cooperation—not invite resistance." (Newark, N. J., October 17, 1952.)

"I am going to try to enlist the help of all of the governors to press in their States the fight on discrimination in employment. New York has set an example. We will not use civil rights for bait in election after election. We intend to deliver real progress for all and we will." (Bronx, N. Y., October 29, 1952.)

But on October 29, 1952, the same day that General Eisenhower spoke in the Bronx, Gov. James F. Byrnes of South Carolina, speaking with Governors Shivers of Texas and Kennon of Louisiana on that part of a nationwide radio-TV program that was beamed to Southern States, said:

Let me speak of General Eisenhower * * * He does not believe in compulsory legislation by Congress on the subject of fair-employment practices."

On November 1, the eve of the 1952 elections, General Eisenhower restated his pledge in items 1 and 8 of his final 10-point Program of Progress for the United States of America:

"1 I pledge that if elected, the President of the United States will serve all the people, irrespective of their race, their creed, their national origin, and irrespective of how they voted. * * *

"8. I pledge to devote myself toward making equality of opportunity a living reality for every American. There is no room left in America for second-class citizenship for anybody."

President Eisenhower acts in limited area of 1952 pledges

In 1953-54 as President, General Eisenhower did see to it that steps were taken to make good on pledges made in those limited but substantial areas of the civil-rights field which he interpreted as being within his Federal jurisdiction.

(1) Persuasion of the District of Columbia government to include anti-discrimination clauses in District contracts.

(2) Revitalization of the Federal Contract Compliance Committee to promote enforcement of the antidiscrimination clause (long practically a dead letter) in Federal contracts for defense and civilian goods and services;

(3) The order to wipe out segregated facilities for civilian personnel in Navy yards at Charleston, S. C., and Norfolk, Va., and elsewhere and the opening up of jobs heretofore closed to Negroes at these installations;

(4) The order to cease segregation in schools for children of military personnel at Fort Benning, Ga., and other military posts; and

(5) Opening up new Federal jobs to Negro appointees.

Also, the Eisenhower administration, through the Justice Department, gave continuity to the letter and spirit of the Truman administration's position in the Supreme Court actions—

(6) To wipe out bans against Negro patrons in District of Columbia restaurants, and

(7) To wipe out segregation in public schools.

None of these, however, touch the basic problem of equal opportunity in civilian employment other than on Government contracts.

In 1955, civil-rights legislation is dismissed as "extraneous"

In 1955, President Eisenhower attempted to dismiss as "extraneous" proposals to include anti-segregation provisions in pending legislation creating an Armed Forces Reserve, providing Federal aid for school construction and for low- and middle-income housing.

And in July 1955, as pointed out by the chairman of the House Judiciary Committee on the first day of these brief hearings,³ President Eisenhower and policy-

³ "The Attorney General was invited to appear and testify on Thursday, July 14, on these bills, but he declined. The Interstate Commerce Commission, the Department of Defense, the Department of Health, Education, and Welfare, and the Civil Service Commission, were all invited to appear on that date, and all declined. The Department of Labor, General Services Administration were invited to appear but no response has been forthcoming from them. The Housing and Home Finance Agency was invited and will appear."

"Any claim by these agencies that these 53 bills present an overwhelming and impossible task is pure deception. Most of these bills are identical copies. There are at the most 13 different bills, and, as far as substance is concerned, no more than 10 different proposals. Furthermore, most of these proposals were referred for these agencies' consideration last winter."

forming members of his administration with one exception, the Administrator of the Home Finance Administration, seemed to suggest that these hearings and these bills were in their judgment also "extraneous."

In passing, it should be noted that Housing and Home Finance Administrator Cole, who appeared before your committee only as Administrator Cole, not as a spokesman for the Eisenhower administration, cited the FHA ban on insured loans for restricted covenant property that was issued in 1949 under President Truman following the 1948 Supreme Court decision. Mr. Cole's specific program stopped with that. He expressed a banker's fear of part 6 of the omnibus Powell bill (H. R. 389) that would plug the present gaping loopholes in FHA regulations which—

1. permit 85 percent of federally sponsored public housing to be segregated;

- 2 allows slum-removal programs financed by Federal funds to clear minority groups out of their existing homes without making provision for any new housing for them; and

- 3 provide little or no FHA-insured housing for minority groups.

Part 6 would require, prior to Federal guaranty of a loan, that lender and mortgagor agree in writing that there will be no discrimination because of race, color, religion, or national origin in renting or selling the property.

Mr. Cole was more concerned about possible violations of such a requirement and agreement and the effect of violations on the mortgage market than he was with the need for making sure that United States taxpayers' cash and credit will be used for fair housing and fair housing only. Such an attitude seems to be a broad invitation to builders of lily-white and Jim Crow housing projects to continue to "come and get it"—providing no such discriminatory policy is put in writing and recorded. This is what we get out of reading Mr. Cole's quips and quams. If our reading is unfair, we hope your committee will give Mr. Cole opportunity to correct or clarify his testimony.

The contempt for these bills, for this committee, and, more important, for widespread conditions of economic, social, and political discrimination, injustice, individual heartbreak, and mass tragedy that was expressed by the Eisenhower administration's refusal either to appear or to present statements to your committee will not pass unnoticed by the American people now or in 1956. We urge your committee to take due note in your report and findings.

II. THE BIG RUN-AROUND ON STATE-BY-STATE ACTION

Over the years, while liberal Democrats and Republicans have endeavored to get Federal action on FEPC and other civil-rights legislation, supporters of FEPC have been told to go to the State legislatures and city councils for the action denied them by a Congress in the grip of a determined minority opposed to civil rights and occupying positions of great power and influence, making the most of its balance of power in Congress while relying on northern Democrats to furnish the margin necessary for victory in election years.

Those who have worked toward the goal of an effective permanent FEPC have made the circle trip from Washington to State capitals and city halls and back again to Washington in the past 8 years.

In 1947 the four States of New York, New Jersey, Connecticut, and Massachusetts had FEPC laws.

By 1954 five other States (Colorado, New Mexico, Oregon, Rhode Island, and Washington) had enacted laws of some effectiveness. Two States, Wisconsin and Indiana, had laws of some effectiveness. Two States, Wisconsin and Indiana, had laws lacking provisions for enforcement.

"These are the agencies primarily concerned with civil rights. The Justice Department, for example, has said that it could take no action because existing laws were too weak. Yet when offered the opportunity to testify on these bills, it declines. How can existing laws which are weak be made stronger without benefit of the testimony of the Justice Department?"

"President Eisenhower has stated that civil-rights issues should be considered on their merits. If the executive branch ducks responsibility to testify, how can Congress adequately supply the needs of the National?"

"Apparently the administration wants to have its cake and eat it too. The agencies decline to express themselves. Why? Apparently the administration does not want to alienate voters in certain sections of the country, the South, for example, who supported Eisenhower."

"The administration gives the impression that it supports these bills with pontifical declarations. It does not implement these declarations by deeds and actions. The administration dares not oppose these bills. It is afraid to come down to the Judiciary Committee and approve them. Such a pusillanimous attitude is most unworthy" (testimony of the Hon. Emanuel Celler (Democrat, New York) before the House Judiciary Subcommittee No. 2, on civil-rights bills, July 13, 1955).

What the 1955 State legislatures did and did not do

In 1955 FEPC laws were enacted by the Legislatures of Michigan and Minnesota.

In Michigan, a Republican legislature had turned down Gov. G. Mennen Williams' request for a State FEPC law made year after year since he was first elected in 1948. In the 1954 elections, despite grossly unjust apportionment of the legislative districts within the State, the liberal Democratic vote increased so markedly (23 Republicans, 11 Democrats in the Senate; 59 Republicans, 51 Democrats in the House as compared with 22 to 8 and to 66 to 34 in 1953) that 29 Republicans in the House and 10 in the Senate joined 51 Democrats in the House and 10 in the Senate in supporting and passing FEPC. The new law will become effective October 14, 1955.

In Minnesota the bill was recommended by the newly elected Democratic Governor and passed by a Democratic legislature.

In the States of Ohio, Illinois, and California, FEPC bills were killed in Republican-controlled State senates.

In Indiana, a bill adding enforcement to the toothless FEPC law was killed in a Republican-controlled legislature.

In Pennsylvania, an FEPC bill was passed by the House but is hanging fire in the Republican-controlled senate.

So far as the public record shows, after 2½ years in the White House President Eisenhower has yet to utter one syllable in fulfillment of his 1952 campaign pledge, made in his speech at Newark, N. J., October 17:

"If I am elected to the office for which I am now a candidate, I will confer with the Governors of the 48 States. I will urge them to take the leadership in their States and guarantee the economic rights of all our citizens."

Thirty-six cities have adopted FEPC laws

By 1955 the number of cities having local FEPC's had increased to 36. The list now includes Minneapolis, Duluth, Milwaukee, Chicago, East Chicago, Gary, Cleveland, Lorain, Youngstown, Toledo, Pittsburgh, Philadelphia, and Sharon, Pa. River Rouge, Pontiac, and Hamtramck, Mich.

Five other cities have ordinances applying only to city employment and contracts.

Two cities (Phoenix, Ariz., and Akron, Ohio) omit enforcement provisions.

But worst areas are left untouched

Obviously, these State laws and municipal ordinances leave the worst areas of discrimination and exploitation untouched.

And during the past year anti-civil-rights leaders have used the United States Supreme Court decisions decreeing the end of segregation in public schools to launch extralegal, if not illegal, economic sanctions against Negroes in Mississippi and other parts of the South, extending such reprisals and systematic attempts at intimidation to others who stand with Negroes in support of the Supreme Court decisions and decrees.

Throughout the South, President Eisenhower's 1952 campaign recommendations that the States assure fairness in employment have been treated as so much good clean political eyewash. Progress has been made and continues to be made in some areas of civil rights, such as admission to colleges, universities, professional school and societies. But patterns of discrimination, Jim Crow segregation, job and wage differentials, and outright closure of jobs to Negroes persist.

As we will show below out of our own efforts and experience,⁴ unions have succeeded in cracking widespread injustice on the job in many individual plants and industries. Most success has been in unskilled and production jobs; the least progress has been made in highly skilled white-collar and professional jobs.

All who believe we must have fair employment in the United States, if we are to continue to lead the forces of freedom in the world, have been given a repeated runaround on a double-track railroad.

We have gone from our home communities to Washington, back to our own State capitals and city halls and back again to Washington. This is where the remedy must be found.

⁴ See sec. X, The UAW-CIO's Fight To Establish Justice on the Job Front

III. THE CIVIL RIGHTS RECORD OF THE 83D CONGRESS

Veto by filibuster was effective in the 83d Congress organized by the Republicans, just as it had been effective in the nominally Democratic 79th Congress, the nominally Republican 80th Congress, the nominally Democratic 81st and 82d Congresses. Only determined action by liberals in the 2d session can override this veto in the 84th Congress.

Because it is part of the setting in which these hearings are being held and affects future action or lack of action on bills here being considered, a brief recapitulation of the 83d Congress' action on FEPC is set down at this point:

Hearings on the Ives bill (S. 692) were first scheduled for May 1953.

At President Eisenhower's request, Senator Ives went to the Geneva meeting of the International Labor Office which was under vicious and unjustified attack by another United States delegate and, by agreement with Labor Committee Chairman H. Alexander Smith, a nominal cosponsor of S. 692, hearings on S. 692 were postponed to January 12, 1954.

On January 7, 1954, over the protest of Senator Ives, who had devoted months to developing plans for these hearings and who had issued the invitations to witnesses scheduled to testify, Senator Smith wired the witnesses postponing the hearings to February 23. He gave no reason, other than "it is necessary."

Why was it necessary?

The reason would seem to be that in President Eisenhower's many 1954 messages to the Congress he had found no space to recommend action on civil-rights legislation—not even the toothless "study" bill, S. 1, introduced by Senator Dirksen January 7, 1953, during the heat of the debate over Senator Anderson's proposal to adopt Senate rules, including a new rule 22.

On January 18, 1954, Senator Anderson urged Majority Leader Knowland to make it easier to break filibusters by taking up Senator Jenner's Senate Resolution 20 changing rule 22, also introduced at the time of the January 3, 5, and 6 debate on the rules, reported to the calendar May 12 and passed over 3 times.

Senator Knowland made it plain that he did not intend to bring on a filibuster by trying to take up Senator Jenner's proposal for slightly weakening the veto power of the filibuster by reducing the majority needed to limit debate from 64 to two-thirds of those voting (p. 332, Congressional Record, Jan. 18, 1954).

And Senator Lehman, speaking in support of Senator Anderson's suggestion to Senator Knowland, promised that he would take part in a new attempt to change rule 22 when the 84th Congress convened in January 1955.

On January 26, 27, 1954, with a minimum of notice, Senator Hendrickson held hearings on Senator Dirksen's bill (S. 1) and S. 535, which was 1 of the 10 civil-rights bills introduced a year earlier by Senator Humphrey and intended to implement the recommendations made 6 years before by President Truman's Committee on Civil Rights. Either of these two bills would have created an investigating Commission on Civil Rights to study, report, and recommend, but with no power to enforce through the courts, as was proposed in S. 692.

Senator Humphrey expressed belief that this small beginning was possible in the 83d Congress; Senator Dirksen referred to "a fond hope" that the long journey toward fair employment and over civil rights might "begin with the first step."

S. 1 was never heard from again. It died in committee.

The FEPC bill, S. 692, received hearings in February and March 1954, was reported out of committee April 28, 1954, but died on the calendar.

IV. HAS THE 84TH CONGRESS NAILED ITS FEET TO THE FLOOR ON CIVIL RIGHTS?

In the name of "party unity," liberal Democrats did not raise the question of adopting new rules, including a new rule 22, on the opening day of the 84th Congress. Senator Herbert H. Lehman (Democrat-Liberal, of New York) made a statement the following day, January 6, 1955, renewing his pledge to continue the fight for majority rule.

On February 1, 1955, Senator Humphrey (Democrat of Minnesota) and other Senators introduced a bundle of 8 bills with the hope and prayer, expressed by Humphrey, that 1 or 2 might be passed.

But with the acceptance of rule 22 for this session, it seemed likely that any Senate action on such bills would be by arrangement with the anti-civil-rights southern wing of the Democratic Party. This appears to amount to a veto (by threat of a filibuster) leveled in advance against FEPC that is difficult but not impossible to override.

V. THE NEED FOR FEPC CONTINUES; AUTOMATION MAKES IT MORE ACUTE

While stock market prices continue to reach new highs and we are told that employment, wages, and total national production are "at or above the 1953 peak," little or no attention is directed to areas of depression, unemployment and underemployment, distress, malnutrition, large increases in consumer debts, increased business failures, falling farm income. We are told that the New Deal measures of social security, unemployment compensation, Federal deposit insurance, farm price supports, either firm or flexible, are protection against the onset of serious recession and depression.

We are told that the gross national product is running at the rate of \$380 billion a year. But top secret classification seems to be put on the fact that we should have a substantially greater total national product in order to maintain a healthy full employment economy at a high and rising standard of living adequate to distribute, buy and consume fair shares of abundant and increasing production of food and manufactured goods and services among a growing population.

Along the neon-lighted political midway in which barkers cry up prosperity as they sell overpriced cars, houses, and other products while they cry poverty when income and corporation taxes are mentioned, no time is spent on such facts as these:

Unemployment is acute in the Pennsylvania coalfields (More than 1 million persons "qualified" to receive so-called surplus foods.)

Unemployment is substantial and chronic in Arkansas. (More than 109,000 persons in 58 counties "qualified" in May 1955 to receive so-called surplus foods.)

Even in such industrial centers and States such as Michigan, where the automobile industry is breaking records for car and truck production, substantial unemployment persists.

Negroes and members of other minorities against whom discrimination in employment is practiced are the last to benefit in an upturn in business activity and employment. And, typically though not universally, because they are the last hired, they are the first to be given short time, laid off or fired outright in a downturn. They are hit first and hardest when unemployment strikes a plant, a community, an area, an industry, or the Nation as a whole.

Today, with unemployment reported by the Census Bureau at 2,679,000 for the week of June 5-12, the unemployment rate among nonwhite workers is about twice as high as the unemployment rate among white workers.

Of the total, 2,177,000 were white and 502,000 were nonwhite. Expressed as percentages of the nonmilitary labor force, the white jobless rate of 3.7 and the nonwhite, 7.0.

(These figures are based on a civilian labor force of 59,510,000 white and 7,185,000 nonwhite. The labor force participation rate—percentage of the total noninstitutional civilian population in the labor force—is 57.8 percent for whites and 63.1 percent for nonwhites. Male participation rates for whites and nonwhites are about the same, but the nonwhite female participation rate is substantially higher than the white female rate, the Census Bureau reports.)

While industry and business are reported competing for young workers, particularly college graduates, young Negro men and women suffer a double handicap:

(1) Because their families often lack money to continue their children's education to the limit of each one's potential ability, a smaller proportion of Negro youth finish high school and university courses;

(2) When they do finish and become job seekers, they too often must wait longer for less and sometimes for nothing at all, measured by their education, training, and ability.

With the accelerating automation of our factories and offices, this discrimination against the young men and women of Negro and other minority groups threatens to become more acute.

If automation is a matter of needing fewer and fewer workers to turn out larger and larger volume of products, then in the absence of FEPC discrimination will push them farther and farther back in the line at the hiring gate.

If, as business spokesmen contend, automation is going to require more and more highly educated and trained workers, then the discrimination now existing more urgently cries out for both an effective Federal FEPC and Federal aid to education, including both assistance in school construction and scholarships made available without discrimination.

VI. MUCH GROUND HAS BEEN LOST SINCE THE DEATH OF THE WARTIME FEDERAL FEPC

That progress toward greater equity of income for nonwhite families has been made over the years cannot and should not be denied.

In 1939, according to United States Census Bureau data, the median income among nonwhite families and individuals whose major source of income was wages was approximately 38 percent of the income of white families and individuals.

By 1950 the median income for nonwhites had risen to 55 percent of the median among whites.

TABLE I.—*Median incomes, white and nonwhite families and individuals without nonwage income, for the United States—1939 and 1950*

	1939	1950
White families and individuals.....	\$1,409	\$3,647
Nonwhite families and individuals.....	\$531	\$2,021
Ratio in percent.....	38	55

Source U S. Department of Commerce, Census Bureau, Current Population Reports—Consumer Income, Series P-60, No. 9, table 14.

Income gains and losses since 1939

Credit for this significant improvement must be given to many forces and groups:

The shift from a depression economy to full employment.

The movement by Negroes to the large northern cities where wage rates are higher and where Negroes find greater opportunity in higher paid industrial, clerical, and professional occupations.

The work that has been done in both the North and the South by unions such as the UAW-CIO, fighting for equal job opportunities for all.

And then there is the wartime Federal FEPC, and the work done by some of the States since World War II.

This increase from 38 percent to 55 percent in an 11-year period shows, however, not only how far we have come; it shows also how much further we still have to go before economic parity is achieved.

Any feeling of complacency about the situation is reduced by examining what has happened since the end of World War II and the elimination of FEPC.

There is strong reason to believe that since 1945 we have actually lost a great deal of ground in the fight for true economic democracy.

Completely comparable figures cannot always be put together from the available data. However, the United States Census Bureau does supply data that show what has happened to the ratio of incomes among white and nonwhite families, those most likely to be affected by FEPC and similar measures.

In 1945, when war and FEPC activity were at their height, the ratio of non-white to white family incomes also reached an alltime high. That year median income among white urban families was approximately \$3,085. Among their nonwhite neighbors, the median income was \$2,052. For every dollar of income received by a white family, the Negro or other nonwhite family received about 66½ cents.

By 1950, median income among white families had risen to \$3,813. The median among nonwhites had risen much less—to \$2,312. Instead of the approximately 67 percent of the median income among white families, the nonwhites now received less than 61 percent. Negro families fell behind in the race with prices.

We want to draw attention again, as we did in October 1951, in April 1952, and again in 1954, to the fact that the nonwhite families fell behind in the march toward economic justice; they also fell behind tragically in the race with prices. From 1945 to 1950, while median incomes rose 13 percent for nonwhite families, the consumers price index shot up 34 percent.

TABLE II.—Median incomes—Urban white and nonwhite families, 1945-50

Year	Median income		Ratio
	White families	Nonwhite families	
1945.....	\$3,085	\$2,052	67
1946.....	3,246	1,929	59
1947.....	3,465	1,963	57
1948.....	3,694	2,172	59
1949.....	3,619	2,084	58
1950.....	3,813	2,312	61

Source U. S. Department of Commerce, Bureau of the Census; Current Population Reports—Consumer Income, annual releases for the years shown.

Situation better in northern cities but disparity of income exists everywhere

In fairness, it must be pointed out that the situation was probably significantly better in the northern cities than in the southern cities. Census data for 1949 show that the ratio of nonwhite to white incomes among urban families in the United States as a whole was approximately 58 percent. In not one of the major southern cities for which the Census Bureau supplied comparable data was this ratio achieved. As shown in the accompanying table, the ratios (exclusive of the metropolitan areas listed) range from a low of 48 percent in Memphis to a high of 55 percent in Washington, D. C.

TABLE III.—Median family income in 1949¹ and cost of the city worker's family budget²

City	All families	White families only	Nonwhite families only		Cost of city worker's family budget (4 persons)
			Amount	Percent of white family income	
Atlanta, Ga.:					
City.....	\$2,495	\$3,412	\$1,707	50	\$3,613
Metropolitan area.....	2,959	3,649	1,681	46	
Birmingham, Ala.:					
City.....					3,451
Metropolitan area.....	2,839	3,494	1,849	52	
Memphis, Tenn.					
City.....	2,791	3,537	1,686	48	3,585
Metropolitan area.....	2,777	3,495	1,617	46	
Nashville, Tenn.					
City.....					
Metropolitan area.....	2,875	3,243	1,650	51	
New Orleans, La.:					
City.....	2,754	3,352	1,774	53	3,295
Metropolitan area.....	2,756	3,341	1,695	51	
Norfolk, Va.					
City.....					3,295
Metropolitan area.....	3,083	3,439	1,596	45	
Richmond, Va.					
City.....					3,663
Metropolitan area.....	3,396	4,025	1,825	45	
Washington, D. C.					
City.....	3,780	4,608	2,540	55	3,773
Metropolitan area.....	4,130	4,641	2,506	54	
United States ³ Urban families.....	3,486	3,619	2,084	58	3,555

¹ U. S. Department of Commerce, Bureau of the Census, 1950 Census of Population—Preliminary Reports (Series PC-5, issued in 1951)

² U. S. Department of Labor, Bureau of Labor Statistics, Monthly Labor Review, February 1951, p. 152. Data shown are for October 1949.

³ U. S. Department of Commerce, Bureau of the Census, Current Population Reports—Consumer Income, Feb. 18, 1951, tables 1, 2, and 7. Note: In 1949, 54.5 percent of urban families were single-earner families.

NOTE.—The median income of families having 1 earner and 2 children under 18—the kind of family for which the city worker's family budget is set up—would probably run slightly above the median income shown in this table.

Additional poignancy is given to these income figures for white and nonwhite families alike when they are compared with the cost of living—as measured by the Department of Labor budget for a city worker's family of four people—in these same cities and areas.

It can be seen from the above table that, while the median incomes among white families do come up to the cost of the budget in some cities, in others not even the relatively better paid white families can enjoy even the standard of living described in that budget.

The level of living imposed on the average nonwhite family whose income is less than half the income of white neighbors has too often been commented on to need additional stress here.

VII. THE RECORD OF POSTWAR JOB DISCRIMINATION IN ONE STATE

Since prewar patterns of discrimination in employment were allowed to assert themselves again when World War II ended, it is no accident that State employment service agencies report exactly the same situation that the Federal FEPC discovered when it began its activities in 1941.

Because it is relevant and important evidence, we quote from a statement made by the executive director of the Michigan Unemployment Compensation Commission, Harry C. Markle, before the State Affairs Committee of the Michigan State Legislature on April 18, 1951. Mr. Markle was reporting on the experiences of the Michigan State Employment Service, which is part of his agency, in the placement of minority-group workers in the Detroit labor-market area. We have checked and find that his description is an accurate picture of present patterns. We are sure a similar story would have to be told no matter what State or local area was being discussed, unless that area is under an effective antidiscrimination law. Although Michigan now has a State FEPC law and progress in reducing discrimination can be expected, many other industrial States do not and, in the South, are not likely to enact effective State FEPC laws for many years.

Mr. Markle pointed out that, as wartime antidiscrimination policies came to an end, discrimination specifications in requests for workers coming to the State employment service began to mount:

"By June 1948 about 65 percent of all job openings in the Detroit labor market had written discriminatory specifications, and others with no written specifications most frequently presented rejection at the gates."

In 1948 the agency had almost 23,000 unfilled requests for workers that excluded workers of certain racial, religious, and nationality groups.

Letters tell human cost of exclusion from job opportunities

The human cost of such discrimination was told in letters received by the commission, and letters received by Gov. G. Mennen Williams, and referred by him to the commission for action.

Here is an excerpt from a letter referred to the employment service during the height of World War II, September 1943:

"I am married and have a child. My husband left for the Army Saturday and I have no one to care for the baby or myself. I haven't anyplace to live * * *."

"I tried to get a job in defense plants because I thought after my husband was in the Army I would get consideration but they are hiring just white women in these factories."

"If my husband was here then I wouldn't worry about work. So if it were possible for him to come home and take care of his family then we could live happy, but with him away and a Negro can't get a job because of color, I and the baby can't go on * * *"

This is from a letter written after World War II was over:

"I've noticed the various papers are filled with male-help-wanted, like during the war. Well I happened to be in the Army at that time, since January 1942 until February 1948 so I was out on that deal, not only myself but many others."

"I've been in those lines in which over 1,000 people were employed. It was always the white fellow behind me that got the job. I've been in over 15 different lines, and it's always the same thing."

This letter was dated March 12, 1951.

"GOVERNOR WILLIAMS: I want you to know I am a colored man and I went to World War (No 2) and I have to walk and walk trying to get a job and they will not hire me."

"They will hire a white man and will not hire a colored man. They send all to war together but it is a difference when they get back to U. S. A."

Unemployment rate shows present discrimination

Additional evidence of the tragic toll taken by discrimination is the fact that, proportionately, unemployment among the nonwhite workers is greater in Detroit than among their white fellow workers. This is also true nationally. Among those who have prepared themselves for white-collar jobs, the shortage of opportunity is more drastic than among unskilled workers.

At the time of Mr. Markle's statement, only one white-collar job in his file was open to a nonwhite worker. Mr. Markle comments: "as we proceed down the rungs of job opportunities from the skilled through to the unskilled there is some appreciable improvement in the proportion of positions open to nonwhite workers. Unfortunately there is also an increase in their proportion of the supply. While nonwhites represented 30 percent of the skilled applicants and 45 percent of the semiskilled, they numbered 63 percent of the unskilled."

The Michigan Employment Security Commission's December 30, 1953, report said: "Nonwhites today represent 50 percent of the labor force in the central Detroit area. The findings of the samples over the past 3 months which was in a declining job market show a high ratio of discriminatory specifications on job orders.

"In sampling of 197 job orders in nonmanufacturing establishments from this area, 73.6 percent carried discriminatory specifications in favor of white workers, 6.6 percent in favor of nonwhites, and 6.6 percent were optional.

"In a sample of 417 job orders in manufacturing establishments, 82.7 percent carried specifications for white workers, 8.2 percent for nonwhites, and 5.8 percent were open by statement.

"In clerical, sales, professional, in a sample of 115 orders, 82.6 asked for white workers, 1.7 for nonwhites, and 1.7 was open by statement. The balance of the orders in each instance carried no specifications.

"Service orders, domestic and personal, showed a high degree of participation by nonwhites. Relaxations are easier to obtain also.

"The percentage ratio of placements of nonwhites is considerably greater than the orders would indicate, since most placements of nonwhites are made on orders carrying limiting race designations."

VIII THE REAL FEPC ISSUE AS STATED BY A CONSERVATIVE ORGAN

The opponents of FEPC talk in terms of moral issues, of principles, of everything except the main issue—that they fear the economic and political effects of economic betterment of the Negro. This is no secret. In the conservative David Lawrence's U. S. News & World Report of February 11, 1949, we find the following remarkable exposition of the real issue:

"And, in the backs of their minds, some of the southerners see the old division between the Negro and the white worker wiped out in the South. An undivided southern working force would be easier to unionize. And an organized working force in the South could spell the same disaster for southern conservatives that organized labor has worked out for conservatives in the North.

"The South's political system is staked upon the battles of the present Congress, and of these the fight against a ban on filibusters is the key engagement. If the rules are changed to ban filibusters, southerners have little hope of winning their fight. Restrictions that hold down the vote are important to the South's one-party system. And southerners fear the Negro vote and unionization.

"Negroes are insisting on more pay, a larger part in all kinds of work, and shorter hours. Negro women are demanding more pay and less work, or in view of the better pay of their husbands, they are not working. This is deeply resented by the white South, long conditioned to Negro help for little pay.

"In this situation, old-line Southern politicians are fighting with their backs to the wall. If white and Negro workers in the South manage to work together and get to the polls, they can send a new kind of southerner to Washington. He would speak for the poorest people in the Nation and might make the New York and Chicago New Dealers look like pikers. The southerners want to use the filibuster to halt this trend."

IX. THE PROBLEM IS NATIONAL—THE SOLUTION SHOULD BE NATIONAL

As will be shown by UAW-CIO experience, as set forth in section IX, organized labor has done much to insure minority groups fair treatment on the job, but labor's ability to solve the problem is limited. The basic trouble arises at the

hiring gate. We shall continue to fight for the inclusion of fair hiring practice clauses in our contracts with employers. But the best we can do will not meet the national need.

Just as unions interested in fair play for minorities can have effect only within limited areas, the State laws—of which the New York law is a model—can have only a limited effect.

The process of getting individual States to pass antidiscrimination laws is just too slow.

Where discrimination is worst, where justice on the job is most needed, there is no prospect of remedy by State or local legislation.

Why should Negro families continue to eat less and wear less and sleep in worse housing and die 8 years earlier than white workers⁶ for the next 10 or 15 or 20 or 50 years while we try to do in 48 separate places what needs to be done at one place and time?

The problem is a national one—the solution should be a national one.

X. THE UAW-CIO'S FIGHT TO ESTABLISH JUSTICE ON THE JOB FRONT

We believe that we make progress with the community. But, when leadership is required, as in the matter of fair employment, and when the Federal Government and, in many instances, State and local governments have not been prepared to move, we have moved and, we believe, have helped the community to make progress. This is in line with a basic tenet of the UAW-CIO and the CIO that democracy must be more than a symbol; it must be a living reality in the daily lives of working men and women everywhere, at the hiring gate, on the job, in the union, in the community, the State, the Nation, and the world.

In 1946, at our 10th constitutional convention, 1 year before President Walter P. Reuther first appeared before a congressional committee in support of effective FEPC legislation, the UAW-CIO established what we believe is a unique program of human engineering in the field of antidiscrimination and civil rights. It was intended and designed to deal with the day-to-day problems which arise in the shop, the local union, and in the community and affect our members, now numbering 1,500,000 men and women.

Convention action had provided for the establishment of our fair practices and antidiscrimination department. The convention adopted a new provision, article 25 of our constitution, which specifically sets aside "1 cent per month per dues-paying member of the per capita" for the purpose of conducting the activities assigned to this department under our union's antidiscrimination programs and policies. By June 1947, this program was well underway.

Since 1947, our antidiscrimination program has grown in proportion with the rapid growth of the UAW-CIO membership. It has been given high priority on the agenda of unfinished business in our union shops and the community. We believe that unprecedented accomplishments have been made in this area. With a Federal fair employment practices law, progress would have been faster and greater. Such a law is still needed to complete the job.

Industry hiring practices make job difficult

When we began our program, we were keenly aware of the fact that Negro men and women throughout our industry were generally assigned by management to the lowest paying and most menial job occupations in the factories.

We realized that most of these unfair hiring practices and traditional hiring patterns of management had been established in a period when there was no Executive order on FEPC and when there were no State FEPC laws. We know the many difficult problems which we would face not only with the managements of the various plants and corporations, but among the membership and the communities as well because the project which we had undertaken would involve many changes and innovations.

In the last 7 years, while the Federal Government had done nothing but talk about guaranteeing justice on the job front to every American citizen, we have moved further than most sections of industry. If today you would take a tour through the plants under UAW-CIO contracts in the auto industry, the farm implement industry, the aircraft industry, North and South, East and West, you would find that, as the result of the union's vigorous fight to eliminate discrimi-

⁶ P. 18, *Employment and Economic Status of Negroes in the United States*, staff report to the Subcommittee on Labor and Labor-Management Relations of the Senate Committee on Labor and Public Welfare, 1952.

nation of any sort against any minority, those workers who were formerly relegated to the lowest, dirtiest, and most undesirable job occupations primarily because of their color are today enjoying a fuller measure of equality of opportunity in UAW-CIO shops. They are employed in classifications which they heretofore could not obtain. These accomplishments have been won through negotiations, through the strengthening and broadening of the seniority provisions in the contracts with the shops whose workers we represent. This progress represents only a part of the total job which must be done to insure complete justice on the job. An effective Federal FEPC law will expedite completion of this job.

Union acts to protect members against bias within own ranks

While we moved to break down age-old prejudices and discriminations in the work patterns of shops set by the hiring and management policies of industry, we also moved to deal with practices of discrimination in the local union hall and such discrimination as arises from time to time among members with various racial and national origins within local unions. We have established machinery to deal with alleged acts of discrimination against a local union member by another member of the local union and/or a local union officer based on an individual's race, color, religion, sex, or national origin.

So that you may have a clear understanding of the program and the machinery for carrying it into effect, we are transmitting with this testimony copies of the UAW-CIO Handbook for Local Union Fair Practices Committees. If you will look at pages 10-22, you will find specific procedures for implementing guaranties against discrimination in the shop and in the affairs of local unions.

Under this program a worker in the shop who makes a charge of discrimination against another member of the union or a local union officer can file a complaint; the complaint can be processed through the local union's fair practices committee to the local union membership, to the international executive board, and, as a final resort, to the international union's convention.

We have also provided machinery to deal with recalcitrant local unions who refuse to observe the antidiscrimination program and policies as set forth by convention action and as implemented by the international executive board and the union's fair practices and antidiscrimination department.

Fair practices committees work for democracy in shop, local union, and community

The UAW-CIO has committees to carry on the day-to-day program against discrimination. We have organized in our union presently some 600 local union fair practices committees comprised of from 7 to 12 members, a total of approximately 5,400 persons throughout the United States and Canada. Their sole task is to work in the local union, the shop, and communities on problems of discrimination. These committees have been an effective force in the shop in utilizing the grievance machinery. Illustrations of their work are given in our handbook. These committees have participated in many community projects to end discrimination in many forms.

One example which we should like to cite involves the practices of the American Bowling Congress, who categorically refused to permit a Negro, an Indian, and/or members of other minority groups to participate in organized bowling, commonly referred to as "sanctioned" bowling. This discrimination prohibited members of our local unions from enjoying together hours of relaxation and recreation in this great American sport. We took the lead in fighting this discrimination.

One of the sponsors of Federal civil-rights legislation, Senator Hubert H. Humphrey, was cochairman of the National Committee for Fair Play in Bowling which, commencing in 1946, conducted a vigorous 4-year campaign to abolish the color line in bowling. In this campaign we had the cooperation of UAW-CIO local union fair practices committees throughout the country as well as a host of civic, church, fraternal, and recreational groups.

Lawsuits were filed by the CIO against the American Bowling Congress to establish the fact that the exclusion of minority groups from the national pastime of bowling was morally wrong and legally indefensible. This campaign ended with a signal victory in 1950 when the American Bowling Congress, faced with legal action and an aroused public opinion, removed the exclusion clause from its constitution. Today hundreds of bowling lanes are open to all Americans without regard to race, color, religion, or national origin.

UAW-CIO practices what it preaches; sanctions invoked to obtain compliance

Sanctions can be and are invoked as a last resort against local unions who refuse to observe antidiscrimination policies.

The progress our union has made in fighting against intolerance and discrimination has been assisted by the sanctions which our union has set up to deal with situations in which one of our own family of local unions violates the union's antidiscrimination policy. We testify here for enactment of an effective Federal fair employment practices law, referring specifically to provisions in the law providing penalties for violation of its provisions. We would be hypocrites were we to come here to insist that the Government institute such sanctions while we ourselves fail to provide like penalties for those within our union who violate our policies with respect to fair practices.

We shall describe some instances in which we invoked the sanctions of the international union after the antidiscrimination policies of our union had been violated by UAW-CIO local unions.

In Dallas, Tex., at the Braniff Air Lines local, we had organized approximately 1,000 workers. We exerted every effort through mediation and conciliation in our attempts to have this local union observe the antidiscrimination policies of our international union and admit into its membership Negro workers of the Braniff Air Lines Co. This the local repeatedly refused to do. Consequently, the international union's executive board revoked the charter of this local union. We took this action because we believe that every person regardless of his race, color, religion, sex, or national origin should be accorded membership in our union. If any local persists in refusing any group full membership privileges, we do not want that local in the family of UAW-CIO local unions.

In promotions without discrimination action, not equivocation, yields results

In our efforts to make democracy work in local plants, we have sometimes encountered problems when we have attempted to see to it that Negro workers are upgraded in accordance with their merit, ability, and seniority. We have met resistance.

A recent case in point occurred in the International Harvester Co plant at Memphis, Tenn, where workers in the welding department refused to work with a Negro who had been promoted to the welding occupation.

Immediately upon being advised of this unauthorized stoppage, the international executive board, on April 29, 1953, sent the following telegrams to John L. McCaffrey, president of the International Harvester Corp, and to the officers and members of local 988 in the International Harvester plant at Memphis:

"Mr. JOHN L. McCAFFREY,

"President, International Harvester Co.,

"Chicago, Ill.:

"The UAW-CIO international executive board in session here in Detroit has voted unanimously to instruct me to advise you that our union completely supports the principle that any worker entitled to promotion on the basis of seniority and ability to handle the job shall not be denied promotion because of race, creed, color, or national origin.

"I am instructed to advise you further that if any member of our union in any of your plants attempts to obstruct such promotion, you may feel free to take disciplinary action in the full knowledge that the union will not invoke the grievance machinery to defend a worker guilty of such obstruction.

"As you know, under the terms of the Taft-Hartley Act we are prevented as a union from disciplining our members in terms of their employment. The responsibility for discipline in such cases rests exclusively with management. You have our assurance that in the Memphis case, to which you refer in a wire, we shall not stand in the way of your meeting your responsibilities by appropriate disciplinary action.

"The UAW-CIO is firmly and uncompromisingly committed to the policy of nondiscrimination, and we are prepared to carry out both our contractual obligations and our moral commitments in the Memphis situation.

"Local 988 of the UAW-CIO at the Memphis International Harvester plant has been notified of this action by the UAW-CIO international executive board and all members of the UAW-CIO have been instructed to return to work and carry out the provisions of our contract and the policies and constitution of the UAW-CIO."

And the following telegram of the same date was sent :

"OFFICERS AND MEMBERS OF LOCAL 988, UAW-CIO,
Memphis, Tenn.:

"The international executive board of the UAW-CIO by unanimous action directs the members of local 988 to return to work and to cooperate with the international union and the management of the International Harvester Co. in implementing the provisions of the UAW-CIO-International Harvester agreement which provides for promotion based upon seniority and ability without regard to race, creed, color, or national origin.

"America cannot be a symbol of freedom and equality in the struggle against Communist tyranny and at the same time tolerate double standards in employment opportunities.

"The work stoppage in the Memphis International Harvester plant is unauthorized and is in direct violation of our contractual obligations and the international constitution of the UAW-CIO. A continuation of this unauthorized, illegal, and unconstitutional work stoppage can only create further difficulties which will result in hardship to all the workers and disciplinary action against those responsible for provoking this unauthorized action.

"The UAW-CIO international executive board has wired International Harvester management that 'our union completely supports the principle that any worker entitled to promotion on the basis of seniority and ability to handle the job shall not be denied promotion because of race, creed, color, or national origin and that if any member of our union in any of your plants attempts to obstruct such promotion, you may feel free, to take disciplinary action in the full knowledge that the union will not invoke the grievance machinery to defend a worker guilty of such obstruction.'

"All workers are urged and instructed to return to their jobs and to carry out their contractual and constitutional obligations.

"The UAW-CIO constitution was adopted by the democratic and unanimous action of approximately 3,000 delegates representing a million and a third members of our union

"The international executive board is determined to see that the international constitution and the moral obligations contained therein are carried out to their fullest. We are of the firm conviction that the overwhelming majority of the workers in the International Harvester plant are in opposition to the current illegal and unauthorized action. We rely upon their good judgment and support in correcting this situation. We have advised the management of the International Harvester Co. of the unanimous action of the international executive board in the preceding wire."

Justice on the job is firmly established by prompt action

After this action by the executive board, the workers returned to their jobs and the Negro remained on the welding classification.

To those who say "the job cannot be done in the South," we say, "The job can be done."

The International Harvester situation and many other similar situations in the South are adequate evidence that if an unequivocal position is taken the results will be in the affirmative.

We believe you must have the courage to meet these situations squarely and promptly if they are to be solved.

We have worked on the theory that to do this job we have got to work on every front, at every aspect of every front, at every level of this job. We believe that, by and large, in the plants under contracts with our union we have been able effectively to integrate Negro workers into the productive classifications.

Plants escape fair employment policy despite wartime FEPC and Executive order on Government contract compliance

Several plants on the west coast would not institute fair employment practices in hiring during the wartime FEPC and the subsequent Executive orders issued after World War II

In 1951 we found that the Chevrolet and Fisher Body plants of General Motors in Oakland, Calif., along with the Nash, Bendix, and Studebaker plants in Los Angeles, had not employed a single Negro worker during the periods in which the wartime FEPC and the subsequent Executive orders were in operation. Today, because of our negotiations with these companies, Negroes are enjoying for the first time in the history of these companies' west coast operations employment opportunities in these plants.

If Congress had acted in 1947 when, along with many others, we appeared before congressional committees to urge passage of Federal FEPC legislation, these unfortunate situations would not have persisted into 1951.

Another example which points up the need for a Federal FEPC is the employment pattern we found at the Fairchild Aircraft Corp., Hagerstown, Md., when we organized the plants. This company was not only guilty of "quota" hiring practices of Negroes but had set up a Jim Crow work pattern. The corporation had five plants which comprise the overall plant operation in Hagerstown. But the company had relegated all of its Negro employees to one segregated plant.

There are no laws in Maryland which the company could use as a convenient excuse to justify this action.

We demanded that, in keeping with the provisions of our collective bargaining agreement, its seniority provisions, etc., this policy of maintaining a Jim Crow unit be abolished. We insisted that each and every provision of our contract was applicable to every employee and that the union would not be a party to or condone such Jim Crow segregation.

Fairchild management then raised the stock excuse that the white workers would not work with the Negroes if they were transferred or promoted to the other four units. The management would not assume any responsibility for such action until such time as there were indications by the members of our local union that they were prepared to work with their Negro brothers and sisters. To remove this last excuse by the company for ducking their obligations under the agreement, our union followed through with the membership of this local union which voted unanimously to follow the constitution and contract as negotiated with the company. Fairchild has finally begun to integrate Negroes into the other four buildings, but has not yet put into practice the complete fair employment hiring policy which is an obligation of the company.

Skills have no color, but management does not agree

As we have worked for total integration of Negro men and women throughout our industry on production classifications, we have simultaneously worked for and are succeeding in bringing Negro youth into the apprenticeship training programs which are administered jointly by employers and the union.

We have approximately 399 joint management-union apprenticeship committees representing about 10,000 apprentices in the UAW-CIO.

With a membership as large as the UAW-CIO, the inquiry which automatically follows is, "Why do we have so few joint programs?" Fundamentally this is because managements have in the majority of instances, as the above figure indicates, insisted on a go-it-alone principle and stubbornly resisted our efforts in negotiations to establish joint programs with equal voice and participation by both the management and the union.

We have fought for the kind of program that would provide for a committee of an equal number of management and labor representatives to administer all of the phases of the apprenticeship training program. Such a procedure would give the union a voice in all the basic decisions arrived at with respect to policy. It would also give us the opportunity to see to it that the selection of apprentices is done on an impartial and unbiased basis.

The same old story is used in barring Negroes from apprenticeships

We have met substantially the same arguments and resistance by managements on this front that we met in our efforts to have incorporated into our agreements our model antidiscrimination clause. Most managements contend that to agree to a joint program providing equal participation for union and management would be to allow the union to "usurp management's prerogatives of hiring whom they please." This attitude is primarily responsible for our lack of an adequate number of available skilled mechanics, a problem which has confronted us both during World War II and in the period since the Communist attack on South Korea.

When we entered World War II our country had approximately 50,000 apprentices in all of the skilled trades, the metal trades, and all the other trades. During that period Germany had 2 million apprentices in training in various skilled trade occupations.

The National Manpower Council has received reports on our potential skilled manpower force as compared with other countries. We were told that the United States today has approximately 250,000 apprentices in training in skilled trades occupations. This includes all our trades. But in East Germany, a defeated country, today more than 1½ million apprentices are in training. This

disparity is, we believe, in part the result of American industry's failure to take advantage of the energies and skills of millions of Negro Americans who are eager to make their maximum contribution to our economy, limited only by their individual ability, without regard to race, religion, or color. These figures underscore the fact that today and in the near future, any underutilization or waste of manpower is a threat to our economy, our standard of living, and to the nations of the free world.

An effective Federal FEPC law would, we believe, be a tangible beginning in the direction of removing the barriers of discrimination which bar those capable of training from the advantages of receiving such training. It would commence to get down to the practical facts of life with respect to making available apprenticeable training to all applicants regardless of their race, religion, or color.

We in the UAW-CIO and the CIO firmly believe that skills have no color and we shall continue to work hard to provide an equal opportunity for Negro youth and youths of other minority groups to participate in all the apprenticeable training programs in which the union has a voice.

Model clause can aid, but Federal legislation is needed to speed justice on the job

In 1947 we said to the Congress, "The UAW-CIO takes in all workers regardless of color, race, religion, national origin, or ancestry. They all have the same membership status; there is no second-class membership in our organization." Further, we said, "The union has no control over hiring procedure. Only after an employee is hired by the company does he come under our jurisdiction, and only then do we have anything to say about his status in plant."

We disagreed at that time with the philosophy which management was advocating then, and continues to advocate today. We in the UAW-CIO decided that we were going to do something about it. At that time 20 percent of our contracts contained our model nondiscrimination clause which reads as follows:

"The company agrees that it will not discriminate against any applicant for employment, promotion, transfer, layoff, discipline, discharge, or otherwise because of race, creed, color, national origin, political affiliation, sex, or marital status * * *."

The main problem then is the main problem today. Management generally continues to hold tenaciously to its position that hiring policies and practices are solely management's prerogative.

Although every one of the UAW-CIO contracts contains provisions prohibiting discrimination against employees in the shop, it was our desire, through collective bargaining, to incorporate the entire model antidiscrimination clause quoted above in every UAW-CIO agreement. It is now written into more than 80 percent of our agreements.

But the tragic sticking point in too many negotiations is that management still refuses to include that portion of the model antidiscrimination clause which says, "the company agrees that it will not discriminate against any applicant for employment." The majority of managements all over the country has categorically refused to place this provision in the collective-bargaining agreements.

A sample of how legislation expedites education

In concluding the citation of efforts by the UAW-CIO in fighting for justice at the hiring gate, and the shop, union, and community we should like to point out the impact upon an employer in a community where FEPC has been enacted into law.

In Pontiac, Mich., after the recent enactment of a local FEPC law, the management of a certain large corporation, recognizing that it had long been hiring Negroes into classifications that were not commensurate with their skills, apparently had a guilty feeling and decided that it would poll the departments in which Negroes were employed to find out if any were desirous of going onto jobs in keeping with their skill. Mind you, the union had on repeated occasions insisted that Negroes should be hired without discrimination and on jobs in keeping with their abilities, but the company management took this action only after an FEPC law was put on the statute books.

This shows again that legislation expedites education.

In conclusion, we repeat: We can make more progress, and at a faster rate, with the help of an effective Federal FEPC. In today's world we cannot afford delay in establishing justice on the job throughout the United States.

XI. A CHECKLIST OF REASONS WHY FEPC IS NEEDED NOW

The need for an effective Federal FEPC is greater and more urgent now than it has been in the past 10 years, not because injustice on the job front is greater, but for these, some of them seemingly paradoxical, reasons:

(1) Because the spread between the incomes of white and nonwhite families, which had narrowed during the wartime FEPC, has widened again since;

(2) Because since 1947 the number of States having enforceable FEPC laws has increased from 4 to 11 and the number of cities having enforceable FEPC ordinances has increased to 36. This progress, giving most relief where least needed and no relief at all where most needed, has sharpened the contrasts, the double standards and the feeling of wrong and bitterness among those who suffer most discrimination.

(3) Because unemployment and the requirements of automation make the need for FEPC and better educational opportunities more acute;

(4) Because, as stated in section I of this statement, members of minority groups and millions of other citizens who are in earnest about abolishing discrimination in employment after being told year after year that the remedy is in (a) education, or (b) State FEPC laws, or (c) local FEPC ordinances, we who are in earnest about abolishing discrimination have, with few exceptions, been defeated by combinations of disproportionate representation in State legislatures, local prejudice, false propaganda, and fear of interstate or intercity competition;

(5) Because, today, in 1955, as in every year since World War II, our loss of moral standing and leadership among the members of the United Nations that results from the continuing shame of injustice on the job front in hiring and in upgrading, promotions, seniority, and all the other necessities for industrial democracy is greater than it was 8 years ago, when the facts about discrimination in employment within our borders were not as well known throughout the world as they are today;

(6) Because white dominion is dead or dying everywhere in the world, not only in Africa, but also here in the United States of America.

Mr. OLIVER. Rather than read the entire statement, we will highlight the most important points.

Mr. LANE. You may proceed.

Mr. OLIVER. Mr. Chairman and members of the committee, this is the fifth time in 8 years that representatives of the UAW-CIO have appeared before congressional committees to state the need for an effective FEPC law.

Today, as we shall show later, with more than 21½ million unemployed, the unemployment rate among nonwhite workers is twice as high as the unemployment rate among white workers.

I would like to point out for the record that we have a statement here entitled "Employment Status of the Civilian Institutional Population by Color and Sex for the United States" for the week of June 5-11, 1955. This statement is taken from the Current Population Reports, Labor Force, Bureau of the Census, Department of Commerce, July 1955, and I would like to make it a part of the record, if I may, at this point.

Mr. LANE. That will be done.

(The statement referred to is as follows:)

TABLE 12.—*Employment status of the civilian institutional population by color and sex. for the United States, week of June 5-11, 1955*

[Thousands of persons 14 years of age and over]

Employment status	White			Nonwhite		
	Both sexes	Male	Female	Both sexes	Male	Female
Civilian noninstitutional population.....	102,942	49,171	53,771	11,380	5,318	6,062
Civilian labor force.....	59,510	41,468	18,042	7,185	4,419	2,766
Percent of population.....	57.8	84.3	33.6	63.1	83.1	45.6
Employed.....	57,333	40,064	17,269	6,684	4,071	2,613
In agricultural industries.....	6,311	5,161	1,151	1,370	821	549
In nonagriculture.....	51,021	34,903	16,118	5,313	3,250	2,064
Unemployed.....	2,177	1,404	773	502	348	153
Percent of civilian labor force.....	3.7	3.4	4.3	7.0	7.9	5.5
Not in labor force.....	43,432	7,703	35,729	4,195	899	3,296

Source. From Current Population Reports, Labor Force, Bureau of Census, Department of Commerce, July 1955, series P-57, No. 156

Mr. OLIVER. We recognize the hard fact that any effective FEPC bill and any other substantial civil-rights bill faces rough going in the 84th Congress, either in the first session now drawing to a close or in the second session, starting in January 1956.

We recognize the fact that the way has been made harder for such legislation because we do not have majority rule in the United States Congress.

The American people may propose and plead; by using the discharge petition to get them to the floor, the House may pass FEPC and other civil-rights bill. But an anti-FEPC, anti-civil-rights minority in the Senate operating under Senate rule 22 stands ready to try to block and defeat the will of the majority of the American people, of the Members of the House and of the Senate by resorting to—or by threatening to use—the filibuster.

These obstacles can be overcome by determination and stamina of the type displayed by the enemies of civil-rights legislation.

Faced with the continual threat of veto by filibuster, the most undemocratic and antidemocratic feature of our Federal Government and one which we contend is unconstitutional, we nevertheless deem these very brief 3 days of hearings on some 51 civil-rights bills, including FEPC, of major importance. We consider it a duty to present again for the fifth time a comprehensive statement in support of effective civil-rights legislation and, particularly, a law that will establish an effective Federal FEPC, such as is provided in the Powell bill (H. R. 389) and identical or similar bills introduced by other Members of the House.

We urge your committee to report out such a bill and to follow up such action by pressing with the greatest determination for consideration, debate, and final vote by the Members of the House. If the House Rules Committee, which is controlled on many vital matters by a bipartisan coalition of southern Democrats and Republicans, refuses to report out the bill, we hope that a discharge petition will be circulated early in the second session in order to make sure that the measure can be brought to the floor early in that session.

Although all this effort, expenditure of time and money, by organizations and individuals devoted to the cause of establishing fair employment and other civil rights may be frustrated by the road-

block of the filibuster, the undertaking is worth while. It gives an opportunity to bring before the Members of the Congress and before the American people the up-to-date story of ways in which our pretensions and our fine words about freedom and democracy and equality of opportunity are made bitter on the tongues of some 20 million Americans who are discriminated against as members of minority groups and are contradicted by the day-to-day facts of discrimination as seen and heard by the peoples of other nations.

The report and recommendation of your committee and the debate upon the bills you recommend will prick the conscience of the Congress and of those among the American people who may have been given the impression that actions by State and local governments are adequate to meet the needs.

As I pointed out earlier, President Walter P. Reuther presented the first testimony for our organization in support of civil-rights legislation back in 1947. I would like to point out that on March 2, 1954, in a statement presented for the CIO and the UAW-CIO, President Walter P. Reuther told a congressional committee (the Senate Labor and Public Welfare Committee) that for us or for a congressional committee simply to retell the story of the need for an effective FEPC and nothing more may raise false hopes. Quoting an earlier statement on behalf of the UAW-CIO made in a similar hearing April 21, 1953, President Reuther said:

To discuss the need for FEPC in a legislative vacuum would be to engage in transparent political paperhanging in an election year. It would not fool any considerable number of the more than 20 million American workers and their families who suffer the daily injustice of discrimination in employment. They know that the reason why they continue to suffer such discrimination is not because this committee has not acted on this FEPC legislation until now. They know it is because majority rule, necessary to get to a Senate rollcall vote on FEPC itself, is strangled by Senate rule 22.

And the realization is growing that, by making a Senate vote on FEPC and other vital legislation less likely than in the past, rule 22 has converted a chronic legislative malady into an acute constitutional crisis that is a threat to the Nation's welfare and security.

President Reuther further said:

Yet, despite this feeling of heartsickness and exasperation, we join with others who are in earnest about FEPC in coming here and again laying out for your committee, for the record and for those in press and radio who care and dare, and for the American people, the tragic human facts, the economic loss, the forfeiture of moral leadership among the people of the world that daily flow from continued discrimination in employment.

Mr. Chairman, I would like to mention in passing that in August of last year I had an opportunity to represent our union in south-east Asia. One of the most difficult problems I had during that entire visit was to answer the many questions posed by the southeast Asians as to why we have these problems in the United States.

In the long uphill struggle for the enactment of fair employment practices legislation, the House Labor Committee in 1945 favorably reported out a bill authorizing a permanent FEPC. The Rules Committee refused it a rule. This action was used as a basis for the Appropriations Committee's refusal to ask for funds for the wartime agency on grounds that the Rules unit would refuse a waiver rule on the entire war agencies funds bill, of which the FEPC item was to have been a part. The upshot was that the House could not get a clear vote on either the FEPC authorization bill or the FEPC funds item.

In 1945 the wartime FEPC established by President Franklin D. Roosevelt was put under a death sentence by a rider attached to an appropriation bill after a series of parliamentary maneuvers including Senate filibustering and the refusal of the House Rules Committee to grant a rule permitting the House to consider, debate, and vote upon either an appropriation or a permanent authorization for the agency on its own merits.

In 1949 the House Education and Labor Committee held hearings on FEPC and favorably reported a bill for floor action.

In 1950, under the 21-day rule permitting committee chairmen to bypass the bipartisan coalition in the House Rules Committee and bring a bill directly to the House floor 21 days after it had been reported to the Rules Committee, an FEPC bill was put on the House floor for debate and vote.

I would like to point out that the only time in the past 80 years that Congress has enacted, or that any FEPC bill has ever gotten to the floor of the House, was under the 21-day rule which was in effect in 1950. On this occasion, southern Democrats joined with Republicans in voting to substitute the Republican McConnell FEPC bill, which lacked the power of enforcement through the courts for the Powell bill providing for such enforcement.

Even this weak substitute bill, containing subpoena power to obtain books, records, and testimony but lacking any means for obtaining compliance with recommendations, died in limbo, killed by the veto of the filibuster threat in the Senate.

Now I would like to jump to the part of our prepared statement on page 5 entitled "A Congressional Committee Tells Where the Body of FEPC Is Buried."

In April 1952, late in the 2d session of the 81st Congress, hearings were held on the Ives-Humphrey bill, virtually identical with earlier FEPC bills and with the bills now before this committee. On July 3, almost unnoticed in the rush to Chicago for the Republican and Democratic National Conventions, the Senate Labor and Public Welfare Committee—Senators Hill, Taft, and Nixon dissenting—reported out the bill with the recommendation that it pass, but, as had been suggested to us during the hearings, stating in polite parliamentary language just where the body of FEPC was buried, who had killed it, and why:

Unfortunately it lies within the power of a few to prevent real consideration of this matter in the Senate. We urge free and complete debate, but we deplore the provisions of rule 22 which permit enfeeblement of this great deliberative body.

I would like to add here that, as has been noted earlier, the bottleneck is much the same in the House Rules Committee.

The 1952 Republican platform was silent on the question of the veto power of the filibuster; it passed the buck to the States on FEPC, a position spelled out during the campaign by the Republican presidential nominee, as noted herein.

The 1952 Democratic platform pledged Federal action for FEPC and other civil-rights legislation and faced up to the parliamentary reality of veto filibuster in pledging the establishment of majority rule in the Congress.

Now I would like to point out that as 1952 presidential candidate, General Eisenhower said:

I am going to try to enlist the help of all of the governors to press in their States the fight on discrimination in employment. New York has set an example. We will not use civil rights for bait in election after election. We intend to deliver real progress for all and we will.

That statement was made by General Eisenhower when he spoke in the Bronx on October 29, 1952.

But on October 29, 1952, the same day that General Eisenhower spoke in the Bronx, Gov. James F. Byrnes, of South Carolina, speaking with Governors Shivers of Texas and Kennon of Louisiana on that part of a nationwide radio-TV program that was beamed to Southern States, said—

Mr. BURDICK. When was that?

Mr. OLIVER. This was on October 29, 1952, the same day that General Eisenhower spoke in the Bronx. Gov. James F. Byrnes, of South Carolina, speaking with Governors Shivers of Texas and Kennon of Louisiana on that part of a nationwide radio-TV program that was beamed to Southern States, said—this is what Mr. Byrnes said:

Let me speak of General Eisenhower * * * He does not believe in compulsory legislation by Congress on the subject of fair-employment practices.

Mr. SIFTON. May I point out that this has bearing on the South Carolina statute that was read into the record by Mr. Wilkins this morning.

Mr. LANE. Thank you very much.

Mr. OLIVER. You will note on the bottom of page 7 that in documenting our testimony we have given recognition to the limited amount of work that has been done by the administration in the area of civil rights, but we say that none of these, however, touch the basic problem of equal opportunity in civilian employment other than on Government contracts.

A few days ago President Eisenhower attempted to dismiss as "extraneous" proposals to include antisegregation provisions in pending legislation creating an Armed Forces Reserve, providing Federal aid for school construction, and for low- and middle-income housing.

I believe the illustrious chairman of this committee made a statement on the first day of these hearings, that President Eisenhower and policy-forming members of his administration, with one exception, the Administrator of the Home Finance Administration, seemed to suggest that these hearings and these bills were in their judgment also extraneous.

We do not consider them to be extraneous.

May I point out that Mr. Celler stated in his testimony:

Apparently the administration wants to have its cake and eat it too. The agencies decline to express themselves. Why? Apparently the administration does not want to alienate voters in certain sections of the country, the South, for example, who supported Eisenhower.

The administration gives the impression that it supports these bills with pontifical declarations. It does not implement these declarations by deeds and actions. The administration dares not oppose these bills. It is afraid to come down to the Judiciary Committee and approve them. Such a pusillanimous attitude is most unworthy.

That was from the statement which the chairman of this committee made the first day these hearings were held.

In continuing, I would like to point out that, in passing, it should be noted that Housing and Home Finance Administrator Cole, who appeared before your committee only as Administrator Cole, not as a spokesman for the Eisenhower administration, cited the FHA ban on insured loans for restricted covenant property that was issued in 1949 under President Truman following the 1948 Supreme Court decision. Mr. Cole's specific program stopped with that. He expressed a banker's fear of part 6 of the omnibus Powell bill (H. R. 389) that would plug the present gaping loopholes in FHA regulations which—

1. Permit 85 percent of federally sponsored public housing to be segregated;

2. Allow slum-removal programs financed by Federal funds to clear minority groups out of their existing homes without making provision for any new housing for them; and

3. Provide little or no FHA-insured housing for minority groups.

Mr. Cole was more concerned about possible violations of such a requirement and agreement and the effect of violations on the mortgage market than he was with the need for making sure that United States taxpayers' cash and credit will be used for fair housing and fair housing only. Such an attitude seems to be a broad invitation to builders of lily white and "Jim Crow" housing projects to continue to come and get it—providing no such discriminatory policy is put in writing and recorded. This is what we get out of reading Mr. Cole's quims and qualms. If our reading is unfair, we hope your committee will give Mr. Cole opportunity to correct or clarify his testimony.

The contempt for these bills, for this committee, and more important, for widespread conditions of economic, social, and political discrimination, injustice, individual heartbreak, and mass tragedy that was expressed by the Eisenhower administration's refusal either to appear or to present statements to your committee will not pass unnoticed by the American people now or in 1956. We urge your committee to take due note in your report and findings.

On page 10 we deal with the big runaround by the FEPC since we have been here. We have been into the various State capitals. We have been into the local communities and we have worked hard to get fair-employment-practice legislation passed on these levels.

You will note at the middle of page 10, that in 1947, 4 States—New York, New Jersey, Connecticut, and Massachusetts—have passed FEPC laws. By 1954, 4 other States had passed fair-employment-practice laws, and out of the 15 States which have passed fair-employment-practice laws to date, 5 of these States have laws which are not effective; they include Wisconsin, Indiana, Kansas, Arizona, and Colorado.

This year, of course, out in the State of Michigan where we have been doing a terrific job for the last 10 years, in an effort to get FEPC legislation passed at the State level, we were very fortunate along with Minnesota to get a bill passed, and in Michigan a Republican legislature turned down Gov. George Mennen Williams' request for a State FEPC law which he made year after year since he was first elected in 1948. In the 1954 election, I would like to point out, despite grossly unjust apportionment of the legislative district within

the State, the liberal Democratic vote increased so markedly—23 Republicans, 11 Democrats in the Senate; 59 Republicans, 51 Democrats in the House as compared with 22 to 8, and to 64 to 34 in 1953—that 29 Republicans in the House and 10 in the Senate joined 51 Democrats in the House and 10 in the Senate in supporting and passing a State FEPC law.

The new law will become effective October 14, 1955.

In addition to the 15 States, there are 36 cities that have adopted fair-employment-practice laws during the last several years. Obviously, as we point out in this statement, the State laws and municipal ordinances leave the worst areas of discrimination and exploitation untouched. And during the past year—and we are dealing primarily here with civil rights legislation, anti-civil-rights leaders have used the United States Supreme Court decision decreeing the end of segregation in public schools, to launch extra-legal, if not illegal, economic sanctions against Negroes in Mississippi and other parts of the South, extending such reprisals and sympathetic attempts at intimidation to others who stand with Negroes in support of the Supreme Court decisions and decrees.

I think, Mr. Chairman, you will recall that early this morning Mr. Roy Wilkins of the NAACP dealt at great length with the economic sanctions and other intimidations and even in one particular instance, murder, as it were, which have been carried out in the South recently with regard to I think, what was referred to by him, perhaps, as vigilante groups.

I would just like to add one thing to that very fine statement made by Mr. Wilkins this morning in this regard: This is a clipping from the Birmingham News of November 30, 1954, which says:

1,200 WHITE MEN ATTEND RALLY ON DESEGREGATION

SELMA, ALA., November 30.—While a spokesman had previously hinted of economic reprisals against Negroes pressing for racial desegregation, the topic was scarcely mentioned at a mass meeting of the newly organized White Citizens Council here last night.

Some 1,200 white men turned out for the rally in the Alabama Black Belt center. If they came to hear how the racial problem should be handled, they didn't get it from the three principal speakers—all from Mississippi.

Selma Attorney Alston Keith, chairman of the White Citizen Council and also chairman of the Dallas County Democratic Executive Committee, made the only reference to economic sanctions.

And further on:

Speakers were Representative J. S. Williams and Senator T. M. Williams, both members of the Mississippi Legislature and a Presbyterian minister, the Reverend M. H. Clark.

And I would like to point out that Mr. Williams took time to criticize severely several leaders of the Methodist Church for their recent statement favoring desegregation.

I read this, Mr. Chairman, because this may enlighten the committee with respect to the name of the organization and some of their activities.

If it please the committee, I would like to put this in the record.

Mr. LANE. We will be glad to have it made a part of the record at this point.

(The news item referred to follows:)

[From the Birmingham News, November 30, 1954]

TWELVE HUNDRED WHITE MEN ATTEND RALLY ON DESEGREGATION

SELMA, ALA., November 30.—(AP)—While a spokesman had previously hinted of economic reprisals against Negroes pressing for racial desegregation, the topic was scarcely mentioned at a mass meeting of the newly organized White Citizens Council here last night.

Some 1,200 white men turned out for the rally in this Alabama Black Belt center. If they came to hear how the racial problem should be handled, they didn't get it from the three principal speakers—all from Mississippi.

Selma Attorney Alston Keith, chairman of the White Citizens Council and also chairman of the Dallas County Democratic Executive Committee, made the only reference to economic sanctions.

He observed that no economic pressure will be applied "that has not already been sanctioned by the courts of Alabama and the United States Supreme Court."

Newspaper photographers were barred from the meeting and reporters told they would have to have their stories approved by the council's executive committee.

Keith noted at the close of the meeting, however, that nothing "controversial" had come up and there was no attempt to censor the newspaper accounts.

Speakers were Representative J. S. Williams and Senator T. M. Williams, both members of the Mississippi Legislature, and a Presbyterian minister, the Reverend M. H. Clark.

The house member observed that the Citizens Committee of Mississippi is not a Ku Klux Klan but aims at giving a direct answer to the National Association for Advancement of Colored People.

"We have a heritage in the South for which we should ever be vigilant," he said. "The NAACP's motto is 'the Negro shall be free by 1963' and shall we accept that?"

Representative Williams said to accept the NAACP plan would ruin the economic system of the South. He said southern men can't straddle the fence on the issue of being for or against the council's objectives.

The Reverend Clark contended that the segregation issue was "catapulted upon us by nine obscure men of the Supreme Court."

"The Supreme Court is not a legislative body but it is designed to follow precedent of the law and to interpret the law. It is not designed to make a declaration of policy for the Nation.

"I came here tonight, not as a minister, but as a private citizen to instill in you a sense of rightness for your cause," he continued.

Senator Williams, a lanky elderly man with a high-pitched voice, told the crowd, "We are charged with defying the United States Supreme Court."

"The time has come when citizens should sacrifice something for their country and we need leadership in this fight," he said.

Williams also took time to criticize severely leaders of the Methodist Church for their recent statements favoring de-segregation.

About 600 Dallas County men in the audience contributed \$3 each to become members of the organization. Keith said the new members would bring the council's total membership to 800 white men.

In nearby Marengo County, a similar rally was held last night by the Marengo County Citizens Council. The group elected Circuit Solicitor Tom Boggs as temporary chairman and scheduled another meeting at the courthouse in Linden, December 6.

MR. OLIVER. On page 12 of the statement, we deal with the civil-rights record of the 83d Congress. I should like, however, to move over to page 13, to bring you up to date, where we deal with this question: Has the 84th Congress nailed its feet to the floor on civil rights?

In the name of party unity, liberal Democrats did not raise the question of adopting new rules including a new rule 22 on the opening day of the 84th Congress. Senator Herbert Lehman, Democrat-Liberal, of New York, made a statement the following day, January 6, 1955, renewing his pledge to continue the fight for majority rule.

On February 1, 1955, Senator Humphrey and other Senators intro-

duced a bundle of 8 bills with the hope and prayer expressed by Senator Humphrey, that 1 or 2 might be passed.

But with the acceptance of rule 22 for this session, it seemed likely that any Senate action on such bills would only be by arrangement with the anti-civil-rights southern wing of the Democratic Party. This appears to amount to a veto, by threat of a filibuster leveled in advance against FEPC, that is difficult, but not impossible, to override.

At the top of page 15, early in the statement, we mentioned the tremendous question of how unemployment has affected nonwhite groups. Today, with unemployment reported by the Census Bureau at 2,679,000 for the week of June 5-12, the employment rate among nonwhite workers is about twice as high as the unemployment rate among white workers.

Of the 2 million total, 177,000 were white and 502,000 were nonwhite. Expressed as percentages of the nonmilitary labor force, the white jobless rate was 3.7 and the nonwhite 7.0.

It seems to me that these figures which we have entered into the opening part of our testimony, Mr. Chairman, greatly clear up the whole question of just how difficult, how tragic is this whole business of unemployment at the present time.

Mr. LANE. I wonder, Mr. Oliver, if you can pick out some of the highlights, since your statement is all going into the record anyhow; and I assure you that the other members of the committee will read the statement and since you know the House is in session now, and I am advised that we are expected to have another vote shortly, and I would like to give the other witnesses an opportunity to testify?

Mr. OLIVER. Very well, Mr. Chairman.

At the bottom of page 15, we show much ground has been lost since the death of the wartime Federal FEPC.

With regard to FEPC, I should like to call attention to page 17, to table shown in the last column, which tells a tragic story of the ratio of medium income, urban white and nonwhite families. The ratio in 1945 was 67 percent of nonwhite families. In 1951 it had fallen to 61 percent.

And to move along to the table on page 18, table III, which gives the example of the cost of living budget, city workers, family budget, and you will notice that the Negroes are living on a deficit basis which we think is un-American and not in keeping with proper standards.

At the middle of page 19, the record of postwar job discrimination in one State. We shall not take time to deal with that here; I am sure you will read it.

Mr. SIFTON. We have in the back of this an official statement for Illinois, Ohio, and Pennsylvania, filling in the picture for those other three States.

Congressman Boyle inquired about the nature and location of discrimination as between skilled and nonskilled, and there is an official report from Illinois, in our 1954 studies, that I think supplies some factual information on the point that he made earlier today.

Mr. LANE. Very well. That will be a part of the record?

Mr. SIFTON. There are three items in the back of this mimeographed statement, and I will designate them to the stenographer for the record.

Mr. LANE. That will be a part of the entire statement?

Mr. SIFTON. Yes.

Mr. LANE. Without objection, it will be included in the record.
(The statement referred to follows:)

NINETEEN HUNDRED AND FIFTY-FOUR PENNSYLVANIA STUDY REVEALS GREATEST DISCRIMINATIONS IN SKILLED OCCUPATIONS

The Governor's commission on industrial race relations reported September 1954 on the nature and extent of discriminatory practices in employment, giving this summary of principal findings:

"Imposition of nonoccupational restrictions increased progressively, being lowest at the unskilled level, rising for semiskilled and skilled levels and reaching a peak for office, engineering, and sales occupations.

"Six out of ten firms did not discriminate in any way against any minority group in hiring unskilled workers.

"Nearly half of the surveyed establishments imposed no restrictions on the employment of minorities in semiskilled occupations

"Two-thirds of the firms raised artificial barriers in the hiring of workers at the skilled level.

"Nine out of ten surveyed firms imposed nonoccupational restrictions in hirings for office, engineering, and sales occupations.

"Most of the discrimination was directed against Negroes, but significant evidence of restrictions against Jews and other religious and nationality groups was disclosed.

"Nearly all firms imposing artificial restrictions on hiring, discriminated against one specific minority group.

" 'Tradition' and 'company policy' were most often cited as the principal reasons for discriminatory practices

"Discriminatory employment practices were more extensive among establishments in the southwest and central regions of the State and least in the north-east region.

"Change in restrictive hiring practices during the past 5 years was limited. Tight labor-market conditions and a decreasing labor supply were the principal reasons cited for liberalization

"One-tenth of all surveyed firms were found to impose no nonoccupational restrictions in hiring, apprenticing, upgrading, or promoting workers in any occupational group; nine-tenths were found to discriminate in at least one or more of these respects for one or more occupational levels.

"Less widespread discrimination was disclosed among establishments in the largest and smallest size groups. In general, the extent of discrimination diminished as the size of the establishment increased.

"Nearly three-fourths of the establishments classified as discriminatory imposed restrictions in their promotional and upgrading policies

"Slightly more than three-quarters of the discriminatory establishments which employed apprentices were found to be limiting apprenticeship opportunities for minority group workers."

1954 OHIO STUDY OF DISCRIMINATION IN EMPLOYMENT SHOWS "SERIOUS AND PRESSING NEED FOR FAIR EMPLOYMENT PRACTICES"

Testifying April 13 before the Commerce and Labor Committee of the Ohio State Senate, Donald Beatty, State supervisor, minority groups services, reported:

"Let us begin with the census figures corrected by the bureau's division of research and statistics to make the figures current. Total population in Ohio approximates 7.9 million, 513,000 or about 6.5 percent of whom are nonwhite. Total urban population (localities over 2,500) is 5.6 millions of whom 480,000 are nonwhite. The ratio or proportion of nonwhites in urban areas to total Ohio nonwhite population is about 93.7 percent. This means that 9 of every 10 nonwhite live in urban areas. Further, the Bureau has determined that about 5 of every 6 nonwhites make their home in Ohio's 12 most heavily populated industrial centers.

"The point to be made from these figures is that problems of discrimination in employment can best be clearly observed in the industrial centers. To be sure, discrimination in employment exists in acute form in numerous small localities—the passage of FEP legislation in four of these localities attest to this fact. But

it was felt that the clearest picture of the situation could be presented to you if we made available accurate information of what nonwhites face in employment discrimination where numbers live, where industries are concentrated, and where localities are not covered by FEP legislation

"Fortunately, we have made such a study. For the period January 1, 1954, through September 5, 1954, 9½ months, an intensive and factual analysis was made of 661 employer orders (1,251 openings) received from 116 major employers (employing 143,000 workers) in the Columbus, Dayton, and Cincinnati areas. These orders were examined as to their status, i. e., discriminatory or non-discriminatory.

"A discriminatory order is one that specifies applicants only of a certain race, creed, color, or national origin are acceptable. Such orders usually specify 'white,' 'no Catholics,' or some such notation. A negligible number specify 'nonwhite.'

"We submit that the findings accurately reflect the situation today since, to our knowledge, nothing has occurred since that time that would alter the situation to any appreciable extent. Highlights of the findings of this study of bureau records are:

"1. The evidence revealed discrimination as to race was practiced to a rather high degree in hiring of 95 percent of 116 concerns in the Columbus, Dayton, and Cincinnati areas during the period studied.

"2. In Columbus, nearly 3 of every 5 (57.3 percent) orders for regular full-time jobs were discriminatory; in Dayton nearly 4 of every 5 (78.9 percent) were restricted; in Cincinnati, 7 of every 10 (71.4 percent) were discriminatory.

"3. Discriminatory hiring practices according to the evidence, existed in all occupational levels to an appreciable degree

"You will be interested to know that as late as March 1955, reports show that 3 of every 5 orders (60 percent) for regular full-time jobs in our Akron office were discriminatory; similarly, in Toledo just prior to the passage of its FEP ordinance, a survey revealed that 58 percent of the orders for regular full-time jobs were discriminatory.

"Now this is not to say that all employers engage in discriminatory employment practices. Indeed, numerous Ohio employers have made great strides of progress toward use of all qualified workers of their highest skill without regard to race, creed, color, or national origin. While these employers are to be commended for their fairness, the evidence leads to the inescapable conclusion that the need for employment opportunities on merit remains serious and pressing.

"According to records of the research and analysis division of the bureau, in Ohio's 8 largest cities, a total of 128,000 male claimants received initial payments of unemployment benefits in 1954. Of the total, 1 of every 5 (28,214 or 22 percent) were nonwhite males. On the other hand, nonwhite women accounted for 11 percent of the total women receiving first UC payments in the 8 largest Ohio cities during 1954.

"These figures reveal the extreme vulnerability of nonwhite males to employment upswings and downswings—the marginal worker. In the case of women, it reflects an even more serious condition—they have not been absorbed by industry to the extent they can be termed 'marginal'—as a group they are hardly affected."

1954 ILLINOIS STUDY SHOWS DECLINE IN NONWHITE PERCENTAGES OF EMPLOYEES IN FIRMS SAMPLED

The Illinois State Commission on Human Relations in its Sixth Biennial Report, 1953-55, published March 1955, reported on surveys of the status of nonwhite employment, based on a sampling of firms throughout the State in 1950, 1952, 1954, as follows:

"The questionnaires returned covered a minimum of 192,374 employees, of which 11.3 percent were nonwhites. The proportion which were nonwhite was above the 1950 figure of 9.2 percent. On the other hand, the percentage of firms employing no nonwhites had increased slightly, from 36.1 percent in 1950 to 36.5 percent in 1954.

"Only 800 firms in the sample gave figures on the racial distribution of their employees for both 1953 and 1954. These showed a decline of 8.6 percent in the total persons employed. Nonwhites were 12.7 percent of those employed by these firms in 1953 and 11.3 percent in 1954. In those firms a nonwhite worker was 2½ times as likely as a white worker to be laid off during the 2-year period.

"The percentage of employees which were nonwhite varied greatly from one industry to another, from 0 in both communications and real estate to 52.6 in textile-mill products.

"The 1954 survey showed concentrations of nonwhites in certain industries. For example, more than twice as great proportions of the nonwhite workers as of the white were reported in personal services, public administration, and the manufacturing of primary metals, textile-mill products, products of petroleum and coal, and leather, whereas less than half as great proportions of the nonwhite employees as of the white were in finance, insurance, and real estate, and the manufacture of nonelectrical machinery and professional instruments, photographic goods, and watches and clocks.

"Nine hundred and two firms with 180,247 employees gave information on their occupational classifications. Only 1.9 percent of the white-collar jobs were held by nonwhites, as compared with 14.6 percent of the blue-collar jobs. This racial difference in occupational status is further demonstrated by the fact that 6.1 percent of the nonwhite employees were in white-collar occupations, as compared with 37 percent of the white employees. The percent of the nonwhite workers in blue-collar occupations was 93.9, as compared with 63 percent of the white workers."

Mr. OLIVER. In view of the time element, Mr. Chairman, I would like to conclude by saying that the UAW-CIO has established within its fair-employment practices and antidiscrimination department 1 cent per month for dues-paying members to put in a fund for the purpose of conducting and carrying out an overall program among our members and communities across the country and fighting against discrimination.

I think the committee is entitled to our contentions here shown on page 22; we have explained the work of our committee and the kind of opposition we have met with management across the country in trying to get our model antidiscrimination clause in contracts where our efforts have succeeded in other areas of upgrading and promotion of Negroes to better jobs.

I want to conclude by turning to page 31 to give you a checklist of reasons why the FEPC is needed now.

The need for an effective Federal FEPC is greater and more urgent now than it has been in the past 10 years, not because injustice on the job front is greater but for these, some of them, seemingly paradoxical reasons:

(1) Because the present spread between the incomes of white and nonwhite families, which had narrowed during the wartime FEPC, has widened since.

(2) Because since 1947 the number of States having enforceable FEPC laws has increased from 4 to 11 and the number of cities having enforceable FEPC ordinances has increased to 36. This progress, giving most relief where least needed, and no relief at all where most needed, has sharpened the contrasts, the double standards and the feeling of wrong and bitterness among those who suffer most discrimination.

(3) Because unemployment and the requirements of automation makes the need for FEPC and better educational opportunities more acute.

(4) Because, as stated in section 1 of this statement, members of minority groups and millions of other citizens who are in earnest about abolishing discrimination in employment after being told year after year that the remedy is in (a) education, or (b) State FEPC laws, or (c) local FEPC ordinance, we who are earnest about abolishing discrimination have, with few exceptions, been defeated by combinations

of disproportionate representation in State legislatures, local prejudice, false propaganda, and fear of interstate or intercity competition.

(5) Because, today, in 1955, as in every year since World War II, our loss of moral standing and leadership among the members of the United Nations that results from the continuing shame of injustice on the job front in hiring and in upgrading, promotions, seniority and all the other necessities for industrial democracy is greater than it was 8 years ago, when the facts about discrimination in employment within our borders were not as well known throughout the world as they are today.

(6) Finally, because white dominion is dead or dying everywhere in the world, not only in Africa, but also here in the United States.

Mr. LANE. I thank you very much, Mr. Oliver, for your statement, and your discussion of these bills. I can see that it is a very well prepared statement, and I know that the rest of the members of the committee, when they have opportunity to read the record, will be helped a great deal by your presentation. I want to thank you for waiting so long today to be heard.

Mr. OLIVER. Thank you.

Mr. LANE. Your entire statement, of course, will be in the record.

Mr. OLIVER. Thank you, Mr. Chairman.

Mr. LANE. The next witness is Mr. John W. Edelman, Washington representative of the Textile Workers Union of America, Washington, D. C.

Is Mr. Edelman here?

Then the next witness is Mr. John J. Gunther, legislative representative, Americans for Democratic Action.

STATEMENT OF JOHN J. GUNTHER, LEGISLATIVE REPRESENTATIVE, AMERICANS FOR DEMOCRATIC ACTION

Mr. GUNTHER. Mr. Chairman and members of the committee, my name is John J. Gunther. I am the legislative representative of the Americans for Democratic Action. I appear here today to present the views of the ADA on the civil rights measures and questions before your subcommittee. We appreciate the opportunity to appear and present our views.

During the past 3 years legislation on the subject of civil rights has been almost forgotten in the Congress and has been abandoned or opposed by the executive branch. These are the first hearings on civil-rights legislation that the House has held since 1950 and these come in the final hours of this session of Congress. When your subcommittee afforded the administration an opportunity to appear here and present its views on the pending measures the major officers of Government who can and should speak for the President either ignored the request of this committee or replied that they were not prepared to testify.

Mr. Cole, Administrator of the Housing and Home Finance Agency, did appear and give testimony as to his views. This is a disgraceful record of performance on the part of the Congress and on the part of the administration. Disgraceful, we say, because both major political parties are pledged to action in the civil-rights field but have failed to honor their pledges.

We in ADA as well as other organizations and individuals who are interested in action on civil-rights legislation know that favorable results are not easily obtained. They take determination, dedication, and hard work. Promises at convention time and pledges from the stump are easily made but we would suggest that the parties and individual candidates who are not willing to put in the hard work that favorable action demands abandon the hypocrisy of constant pledging and continued inaction. We all know that action on civil-rights measures is possible if those who make the promises and pledges will put their minds and bodies into the effort. ADA urges that the Members of Congress who say they are for civil-rights legislation put as much heart and backbone into the fight for action as those who oppose such action have done and will continue to do. There is no doubt that if this were done we would see real progress under law in the removal of segregation and other forms of discrimination from our Nation.

Congress has regarded as "action on civil rights" the holding of hearings and writing of committee reports. We would suggest that real action comes only with the floor battle and open and recorded vote. That there will be no doubt in the record as to who made what promises let me quote briefly from candidate Eisenhower and the Republican and Democratic Party platforms of 1952:

(Part of statement submitted for record follows:)

"Let us once and for all resolve that henceforth we shall be guided in our relations with our fellows by the American creed that all men are created equal—and remain equal. All of us who salute the flag, whatever our color or creed or job or place of birth may be, are Americans entitled to the full rights and the full privileges of our citizenship. In a time, when America needs all the brains, all the skills, all the spiritual strength and dedicated services of its 157 million people, discrimination is criminally stupid."—Eisenhower, American Legion, New York City, August 25, 1952

"Third, we seek in America a true equality of opportunity for all men. I have no patience with the idea of second-class citizenship. For many years the administration party has been pointing to a promised land where no American would be subject to the indignity of discrimination. But their promised land has always proved to be a political mirage.

"It is time that leadership was put in the hands of those willing and able to advance the cause of equality of opportunity. To advance this cause there are many things that we can and must do."—Eisenhower, Wheeling, W. Va., September 24, 1952

"We will move forward more rapidly to make equality of opportunity a living fact for every American. Wherever I have gone in this campaign, I have pledged the people of our country that, if elected, I will support the Constitution of the United States, the whole of it. And that means that I will support and seek to strengthen and extend to every American every right that that Constitution guarantees.

"Equality of opportunity was part of the vision of the men who founded our Nation. It is a principle deeply imbedded in our religious faith. And neither at home nor in the eyes of the world can America risk the weakness which inevitably results when any group of our people are ranked, politically or economically, as second-class citizens."—Eisenhower, Columbia, S. C., September 30, 1952.

"We must make equality of opportunity a living fact for every American, regardless of race, color, or creed. To do that is part of the unfinished business of America.

"Equality of opportunity has its strongest roots in our religious faith. Every individual act, every law, every political maneuver, every pressure which infringes on the political and economic rights of any American or any group of Americans weakens America. It gives powerful ammunition to America's enemies. It will eventually betray the freedom of each of us

"Even worse is the betrayal by those who seek to turn this problem to their political advantage."—Eisenhower, Los Angeles, October 9, 1952.

"Now, I bring you another question obviously of great interest to you people. We know that America has not achieved under its great Constitution that full perfection of operation that it should with respect to equal opportunity for all citizens. There is discrimination. This crusade is pledged to use every single item of leadership and influence it has to eliminate it. It intends to enforce the full Constitution, not part of it.

"Specifically, something has been said about my past efforts to eliminate segregation in the services. * * * That has gone on. It is well underway, and I pledge you that it is going to be done promptly and without any further alibis or excuses

"Next, my friends, in the Nation's Capital we have had the poorest possible example given to those of other lands of what this country is and what it means to each of us. So far as there is power placed in me as an individual or officially, I shall never cease to work with all the power I can to get rid of that kind of thing in the District of Columbia. Let me extend that Wherever the Federal Government has responsibility; wherever it collects taxes from you to spend money, whether it be in a contract for recreational facilities or anything else that it does for a citizen of the United States, there will be no discrimination as long as I can help it in private or public life based upon any such thing as color or creed or religion—never. Wherever funds are used, where Federal authority extends, there will be fairness.

"What I promise you is work—never-ending work—to make certain that justice is done"—Eisenhower, Harlem, October 25, 1952.

"Our crusade will fight unceasingly for all those things that have made our American system what it is. We will strive to make equality of opportunity a living fact for every American. I have said this in every part of our country—in Newark, N. J.; Tampa, Fla.; Boston Mass.; and Columbia, S. C. Second-class citizenship reflects second-class Americanism. We will put an end to the exploitation of remaining discrimination for political advantage. Our crusade offers real progress based on positive leadership.

"And another thing, our crusade for equal economic and political rights will have the indispensable support of the Vice President as he presides over the Senate"—Eisenhower, Chicago, October 31, 1952.

"I pledge to devote myself toward making equality of opportunity a living reality for every American. There is no room left in America for second-class citizenship for anybody."—From a summary of campaign pledges released by Eisenhower's New York headquarters, November 1, 1952.

"The Republican Party will not mislead, exploit, or attempt to confuse minority groups for political purposes. All American citizens are entitled to full, impartial enforcement of Federal laws relating to their civil rights.

"We believe that it is the primary responsibility of each State to order and control its own domestic institutions, and this power, reserved to the States, is essential to the maintenance of our Federal Republic. However, we believe that the Federal Government should take supplemental action within its constitutional jurisdiction to oppose discrimination against race, religion, or national origin

"We will prove our good faith by:

"Appointing qualified persons, without distinction of race, religion, or national origin, to responsible positions in the Government

"Federal action toward the elimination of lynching.

"Federal action toward the elimination of poll taxes as a prerequisite to voting

"Appropriate action to end segregation in the District of Columbia.

"Enacting Federal legislation to further just and equitable treatment in the area of discriminatory employment practices. Federal action should not duplicate State efforts to end such practices, should not set up another huge bureaucracy"—Republican platform

"In order that the will of the American people may be expressed upon all legislative proposals, we urge that action be taken at the beginning of the 83d Congress to improve congressional procedures so that majority rule prevails and decisions can be made after reasonable debate without being blocked by a minority in either House.

"The Democratic Party is committed to support and advance the individual rights and liberties of all Americans.

"Our country is founded on the proposition that all men are created equal. This means that all citizens are equal before the law and should enjoy equal political rights. They should have equal opportunities for education, for economic advancement, and for decent living conditions.

"We will continue our efforts to eradicate discrimination based on race, religion, or national origin.

"We know this task requires action, not just in one section of the Nation, but in all sections. It requires the cooperative efforts of individual citizens and action by State and local governments. It also requires Federal action. The Federal Government must live up to the ideals of the Declaration of Independence and must exercise the powers vested in it by the Constitution.

"We are proud of the progress that has been made in securing equality of treatment and opportunity in the Nation's Armed Forces and the civil service and all areas under Federal jurisdiction. The Department of Justice has taken an important part in successfully arguing in the courts for the elimination of many illegal discriminations, including those involving rights to own and use real property, to engage in gainful occupations, and to enroll in publicly supported higher educational institutions. We are determined that the Federal Government shall continue such policies.

"At the same time, we favor Federal legislation effectively to secure these rights to everyone: (1) The right to equal opportunity for employment; (2) the right to security of persons; (3) the right to full and equal participation in the Nation's political life, free from arbitrary restraints. We also favor legislation to perfect existing Federal civil-rights statutes and to strengthen the administrative machinery for the protection of civil rights."—Democratic platform.

Mr. GUNTHER. Three years have passed since these pledges were made. There has been no action on them. The American people have no alternative but to view this bipartisan default as brazen political hypocrisy. Let me reiterate that ADA views this default as bipartisan—The Republicans and Democrats, or Democrats and Republicans, are both guilty of inaction. True, there has been much civil rights progress in the courts. Judicial decisions, however, are no substitute for executive and congressional action, nor excuse for inaction. The Constitution invests the Executive and the Congress with the responsibility for enforcing the guaranty of equality. In failing to assume this responsibility, the Executive and the Congress are not only reneging on campaign promises, but also on their constitutional responsibilities.

Insofar as the executive branch is concerned, the American people have gotten little encouragement of civil rights action from President Eisenhower. While the President speaks genially and often of his belief in equality of citizenship, his performance shows little understanding of the problem. He has labeled as "extraneous" what few civil rights measures have been proposed, but has failed to support or propose any civil rights legislation of his own. President Eisenhower is making a mockery of his 1952 pledge in Harlem that—

Wherever the Federal Government has responsibility; wherever it collects taxes from you to spend money, whether it be in a contract for recreational facilities or anything else that it does for a citizen of the United States, there will be no discrimination as long as I can help it in private or public life based upon any such thing as color or creed or religion—never. Wherever funds are used, where Federal authority extends, there will be fairness. What I promise you is work, never-ending work, to make certain that justice is done.

The proposed antidiscrimination amendment to the recent military reserves bill would have been a ringing affirmation that our defense policies are based on the highest principle of American democracy—that all men are created equal. President Eisenhower opposed it. In fact, he accused those who would bar discrimination of jeopardizing

the Nation's defense and welfare. His criticism would have been more correctly directed at that minority in Congress who have abrogated to themselves a veto power over all legislation which involves provision for equality of treatment.

Insofar as the Congress is concerned, both the Democrats and the Republicans appear to be spellbound by the prodiscrimination, anti-civil-rights forces of the South. This constant fear of the southern bloc in Congress has paralyzed majority action. We urge the Members of Congress to rise up against this minority and restore the enactment of law by majority vote as provided for in the Constitution.

In speaking for ADA today I come fortified with a mandate from our 1955 national convention. The ADA has spoken out clearly on the issues before this committee and I quote the sections of the convention's adopted platform which are relevant to the measures before you:

Americans for Democratic Action reaffirms its dedication to the twin goals of freedom and security for all people.

We pledge ourselves to uncompromising defense of the inalienable rights of every American—freedom of speech, of thought, of inquiry and of dissent. We believe in equal rights and opportunities for all people, regardless of race or creed. We believe that the impairment of these liberties on any level, be it National, State, or local, violates the principles of democracy and saps the strength of a democratic society in its struggle against totalitarianism.

1. Any denial of equal rights to minorities threatens the rights of all our citizens and also our world leadership.

2. Our determination to make secure these rights must never cease so long as they are denied to a single human being. We therefore support legislation and administrative action on the Federal, State, and local level:

(a) To make secure the life, person, and property of every individual against violence and intimidation;

(b) To eliminate segregation and other forms of discrimination in housing, education, employment, transportation, recreation, government supported financing, the National Guard and other areas of life. To this end we urge that all Federal contributions to such programs be conditioned upon this principle;

(c) To broaden the coverage of existing civil rights laws and to insure the civil rights section of the Department of Justice, the status and appropriations required to enforce all such statutory and constitutional guaranties;

(d) To remove the poll tax and other disfranchising practices.

(e) We favor Federal legislation, with adequate enforcement power to insure employment opportunity for all.

There are about 45 bills before the committee. Some are of an omnibus nature and others take up specific parts of the civil rights program.

The bills can be grouped as follows:

1. Omnibus bills which include provisions for—

(a) A Commission on Civil Rights.

(b) A Civil Rights Division in the Department of Justice under the direction of an Assistant Attorney General.

(c) Strengthened civil rights statutes.

(d) Elimination of the poll tax.

(e) Elimination of segregation in interstate transportation.

(f) Making lynching a Federal crime.

(g) Prohibiting discrimination in employment.

(h) Barring discrimination and segregation in housing.

(i) Barring discrimination and segregation in education.

2. Less complete omnibus bills.

3. Antilynching proposals.

4. Those which would strengthen existing civil rights statutes.

5. Those to establish a Commission on Civil Rights.

6. Those which would eliminate the poll tax and other disenfranchising devices.

7. Those which would establish a Civil Rights Division in the Department of Justice under the direction of an Assistant Attorney General.

8. New antipeonage, antislavery, and anti-involuntary servitude legislation.

ADA favors the prompt enactment of all of these bills or parts of the civil rights program. Obviously, some parts are more significant in their impact than others. In urging the enactment of each and every part of the civil rights program we would suggest that no one part is a substitute for another part. We recognize that if the Congress decides to act it will either take up an omnibus bill or take up the program one part at a time. We will support whatever measures come before Congress which are consistent with this program.

However, we would again point out that no one part of the program is a substitute for another part, nor is action on one part an excuse for inaction on another. A Civil Rights Commission which would make continuing studies and report on the status of civil rights in America must not be considered in any way as a substitute for Federal legislation barring discrimination in employment. Nor should the proposal barring segregation in interstate travel be considered as a substitute for legislation barring segregation in other areas where the Federal Government has jurisdiction.

In summary, Mr. Chairman:

ADA believes that a serious question of the good faith of the political parties, the President and the Members of Congress is raised by the failure to produce on civil-rights promises.

ADA believes that hearings and reports alone are no substitute for floor action on civil-rights measures.

ADA believes that civil-rights bills will become law whenever those who say they are for the legislation are determined to do battle for it.

ADA supports and will continue to support all of the civil-rights bills before your committee, but cautions against the political substitution of a bill dealing with one phase of the problem for a bill dealing with another phase.

ADA urges this committee and the 84th Congress to act promptly so that the voter in the 1956 elections will not be faced with a choice as to who can make the best promises but may look at the record and make the choice on the basis of who best performs on his promises.

Thank you very much.

Mr. LANE. In other words, in plain language, you say that these matters have been presented to this committee from time to time; that they have been investigated from time to time, and have been approved by both parties, the Democratic National Committee and the Republican National Committee, and with all kinds of reports and investigations, and in view of all these various bills that are before us today and with all of the testimony that has been taken and all of the information that has been brought out into the open and requests for corrective legislation for the injustices that exist in the various States, you feel that now instead of setting up a commission in the executive department, or a commission in the Department of Justice,

or a congressional commission, that, it itself, will not suffice, but that we should go further and bring out FEPC legislation and anti-lynching legislation, and that now is the time that something should be done, and not prolong it from time to time; that is your feeling?

Mr. GUNTHER. That is what I am saying, Mr. Chairman, that the hearings and reports are available; the arguments pretty much remain the same, and that the time for action is long past, and overdue, and we urge that it be speeded up as much as possible.

We recognize that the opposition is determined and well organized and has its group here in Congress but that the opponents to civil-rights legislation in Congress represent a small minority of the total membership and if those who have pledged action—the Republican platform—not just the Democrat platforms; the Democratic platform has a very, very strong plank on civil rights, and nothing can be done about it, but the Republicans, they are going around saying that they are for legislation. They promised it in their platform and their candidates went all over the United States pledging they would use every means possible to them, and a part of that is to ask the Congress to do something; and the only way to redeem that pledge is to get some action in Congress launched in both Houses.

But we believe that if the great majority of the Members of Congress who say they are for civil-rights legislation want to go ahead, and are willing to do battle, that this little minority who holds up Congress now on these matters can see that we will win, and we can do it this Congress, and we will not have to go back to the 1956 convention, like we did in 1952, winning the battle there, with the representatives in that convention, when each party knows that the people there are representing the people, and when they write that platform, they are writing in things which they know are popular, and we will not be going back asking them to do what is popular in the convention, when we know that they are not going to do anything once the election is over.

Mr. LANE. Do you know if the present administration has done anything?

Mr. GUNTHER. The present administration continued many of the programs that were instituted by President Truman, and they continued some of the court cases that were instituted under the previous administration; they have continued the Committee on Government Contracts employment—they have another name for it, but it is essentially the same.

Mr. LANE. They have not established any new program?

Mr. GUNTHER. No; President Eisenhower has established nothing new, and he has done a great deal of harm by saying that matters dealing with civil rights are extraneous to Congress. As was pointed out this morning, he has said—when someone proposed an antisegregation rider, where Federal funds are going to be spent, and that is what he was talking about, when he spoke to the people in Harlem—he said that wherever Federal taxes are collected and the money is spent, there will be no discrimination.

That is hypocrisy. The President is no more in favor of legislation wiping out the segregation and carrying out his pledges now than he was then. And I think that we ought to call the President's hand on this, and one way to do it is for the people in the Congress to bring out

some legislation out of this committee, bring it onto the floor and let the proponents of civil rights, the NAACP, the unions, the ADA, and others, go around to the President and say, "Mr. President, what are you going to do about this?"

We think one way, of course, is to get it out of the committee and have the President assist in breaking the log jam now, without waiting for the committee to act, because you are going to have to have Republican votes to get this through.

Mr. LANE. I am sure of that.

Mr. GUNTHER. Yes.

Mr. LANE. Thank you very much, Mr. Gunther, for your very helpful statement and the assistance you have given the committee.

Mr. GUNTHER. Thank you, Mr. Chairman.

STATEMENT OF AUBREY E. ROBINSON, JR., DIRECTOR, AMERICAN COUNCIL ON HUMAN RIGHTS

Mr. LANE. The next witness is Mr. Aubrey E. Robinson, Jr., director, American Council on Human Rights.

Mr. ROBINSON. Thank you, Mr. Chairman.

May I say that my statement is very brief and I will try to make it even more brief.

Mr. LANE. Thank you.

Mr. ROBINSON. In keeping with the chairman's request, that the meeting be speeded up.

I am Aubrey E. Robinson, Jr., executive director of the American Council on Human Rights, a cooperative social action program of national fraternities and sororities. Our organization is dedicated to the task of seeking the extension of fundamental human and civil rights to all who live in the United States and to secure equality of treatment and opportunity for all without discrimination and segregation because of race, religion, or national origin. Our organization has been privileged to testify on several previous occasions in hearings involving civil-rights bills and although it is to our great regret that some of those same bills are still unpassed we appreciate this opportunity to restate our views on these and others pending in this committee.

It is a great temptation for one in my position to vehemently denounce in an emotional tirade the perpetrators of racial bigotry, violence, intimidation, and treachery which still plague the American scene. One who has experienced these finds it difficult to stifle the emotions when discussing it even among persons of superior intellect and intelligence. I will say only that mob violence inspired and directed by hate merchants and aided and abetted by public officers is so basically abhorrent to the religious and democratic ideal that even one instance in a given year justifies enactment of a Federal anti-lynching statute. The right to freely engage in the selection of one's representatives in government is so fundamental in the concept of American democracy that arbitrarily disenfranchisement to any degree should and must be eliminated. The obvious evils and inequalities of racial segregation in education, housing, travel, and employment make it imperative that there be a Federal legislative mandate sounding its destruction for all time.

These things that I mention are not picayune or transitory, either to my organization and the racial minority with which it is most closely identified or to the Nation at large. To the Negro American deprivation of human and civil rights is a matter of daily experience which sorely tries his soul. To the Nation as a whole these deprivations and discriminations represent a cancer which unless removed will rot its core to a destruction just as final as that of atomic oblivion.

As America has moved into a position of leadership for the free world, the Congress of the United States has been called upon to grapple with and solve problems never before envisioned. It has met the challenge well because it has met the problems openly and with a dedicated purpose, the preservation of American democracy. We call upon this committee to meet the problems with which we are here concerned with the same honesty and sincerity of purpose. To that end we urge upon you to report out of this committee H. R. 389 and H. R. 3688, which are identical.

The bills present in concise terms the diagnosis and cure for the civil-rights ills of 16 million American citizens. Title I provides for the strengthening of machinery in the Federal Government by establishing a Commission on Civil Rights in the executive branch of the Government. Such a commission properly staffed would be most effective in the documentation of the facts concerning the status of civil rights. Reorganization of the civil-rights activities of the Department of Justice through the creation of a Civil Rights Division would provide staff personnel and emphasis for the development of more effective judicial machinery in the handling of civil-rights matters.

Title II of these bills goes to the very heart of the problem. The single principle which runs through each of its seven parts is the principle that the individual's rights to life, liberty, security, and the privileges of citizenship are to be enjoyed and protected without regard to his race, religion, or national origin. Of necessity that principle has been spelled out in certain crucial areas. This spelling out is necessary because it has been our experience that civil rights not clearly defined are held nonexistent insofar as Negro Americans are concerned.

Part I, amending existing civil-rights statutes to prevent injury, threats, oppression, or intimidation of one exercising his constitutional privileges is particularly important in view of the reaction of the diehard racists to the Supreme Court decision invalidating racial segregation in public education. One who obeys the Constitution of the United States and the laws of the land has a right to the protection of his Government, for without his compliance with that Constitution and those laws that very Government cannot exist.

Elimination of segregation in interstate travel is a responsibility of Congress under its constitutional power to regulate commerce between the States. It is a studied practice of discrimination and degradation completely out of keeping with executive and judicial pronouncements in other areas. It is an intolerable burden on interstate commerce and the cause of needless strife, violence, and abuse. And, as the previous testimony has indicated, members of my particular race have suffered all kinds of indignities, and if the committee had the time I could recount some of my own personal experiences and

when we speak with feeling and with apparent emotion, we are speaking of things that daily occur. And their elimination would be hailed by the vast majority of passengers and carriers alike on trains and buses and elsewhere.

Of all the discrimination practiced against Negro Americans none has a more profound effect upon our general welfare than the discrimination in employment. Without the opportunity to compete freely in the labor market, millions of otherwise qualified citizens are denied the means of earning a decent livelihood. This denial is directly responsible for the economic instability of a mass of people and is reflected in their health, morals, and general conditions of living. It makes of the free enterprise system a hollow mockery. So widespread is the practice of job discrimination that it is a matter of national concern. Part 5 of H. R. 389 and H. R. 3688 provides needed machinery for the beginning of the solution of the problem. We urge upon the committee your careful consideration of this provision as an integral part of the comprehensive approach to civil rights we firmly believe is needed.

Since the passage of the Housing Act of 1948 it is generally recognized that the Federal Government has a responsibility for improving the housing conditions of our people. The FHA mortgage insurance program has been an effective instrument in maintaining the high level of home construction and improvement which has been a boon to the construction industry. As administered, however, it has not provided free access to the housing market. The volume of new construction secured by resource of the Federal Government which has been made available to Negro Americans is infinitesimal. It is our view that no program of the Federal Government should be used to perpetrate or extend racial discrimination. Thus part 6 of the aforementioned bills is essential to make the Government-housing program that which it must be, a housing program in which all citizens participate freely and equally.

In its ultimate effect on the housing scene in America, the slum clearance and urban renewal program presents the greatest source of danger unless provisions are made to bar discriminatory use of Federal funds. Without such a provision new racial ghettos will rise to replace the old and a vicious, never-ending circle of exploitation and deprivation will be fashioned. We call upon this committee to state in unequivocal words that it is the right of every citizen to have free access to the housing program of the Federal Government without discrimination or segregation because of his race, religion, or national origin. In this area as in the vital area of Federal aid to school construction, there should be a basic national policy that Federal funds shall be expended as racially indistinguishable for all citizens as it is collected without regard to racial distinctions from the taxes of the people.

Because we have firm conviction in the rightness of our position measured by every standard of morality and decency, we are forthright in our position in this matter of civil rights. We are not politicians, but neither are we oblivious to the ways of politicians. We know, however, that the politician's finest hour comes when his political acts are motivated by his highest sense of decency and fair play. This requires both courage and conviction. Nothing short of such a

display of courage and conviction will move these civil-rights measures out of this committee and on to the floor of the House. We believe and have faith that such courage and conviction is resident in this committee, and we await its display.

I thank the committee for the courtesy with which the chairman and the other members have listened to our testimony, with the additional statement that there is sincerity of purpose and good will resident in this committee.

I could add one other word, and it would be this, that we here have to transcend the political realities in a sense in order to really grasp what we are doing, when we are dealing with problems representing civil rights.

Part I of this omnibus bill is that I refer to our organization supporting indicates that—

Mr. LANE. That is H. R. 389?

Mr. ROBINSON. Yes, 389. Members of this committee have shown surprise in some of the statements that have been made with regard to incidents that are occurring daily.

The creation and establishment of the Civil Rights Commission with the authority and power and finances to bring the picture to bear and get the facts. I think would do more perhaps than anything else to fully convince even the nominally liberal members, of the committee that we do have here really a righteous cause if I may use that word. And we are vitally concerned with this, as I have indicated.

It is not something that happens infrequently; it is something which millions of American citizens live with daily.

I appreciate the opportunity of this hearing.

Mr. LANE. Thank you very much for your statement. And I want to express my gratification to you for this very careful statement you have made before the committee.

I wonder if you would mind telling me about how many members there are in your organization? You say it is an organization of Americans concerned with human rights. About how many members are there in your organization?

Mr. ROBINSON. We estimate, according to the latest census of our constituent organization, that we represent approximately 50,000 active fraternities and sororities.

Mr. LANE. And you are prepared to say that you are here representing some 50,000 people?

Mr. ROBINSON. Yes.

This is the American Council, working in a cooperative program; this is their social action program, and I think it is an interesting observation that is pertinent in view of the chairman's statement.

Mr. LANE. And the Washington organization speaks for that group?

Mr. ROBINSON. That is correct.

Mr. LANE. Thank you very much for your statement.

You have been very kind and patient to wait to be heard.

Mr. ROBINSON. I would like to add this further statement, that we are proud of the role that the fraternities and sororities are playing. As you so often hear, such organizations are criticized for not having a worthy purpose. And their forthright purpose in having such an organization is indicative of their feeling and of their responsibility

for having had the opportunity to get an education and we are working in labor organizations, and we have testified, and we have worked with other interested groups, and my membership extends to several other organizations.

We feel that we do have a real responsibility to be present and to present the story to the American people.

Mr. LANE. As the result of getting a good education, is the feeling of your members that you do want to work for the welfare of others?

Mr. ROBINSON. Oh, absolutely, and we do think we have a responsibility as a result of our educational opportunities.

Mr. LANE. Thank you very much, Mr. Robinson, for your appearance.

Mr. ROBINSON. Thank you.

Mr. LANE. Is Mr. Patrick Murphy Malin, executive director of the American Civil Liberties Union of New York, present?

(No response.)

Mr. LANE. Has he submitted a statement, Mr. Counsel?

Mr. BRODEN. He plans to submit a statement as I understand it, Mr. Chairman.

Mr. LANE. All right, in view of the fact that Mr. Malin is not present at this time, I assume he will submit a statement.

STATEMENT OF W. ASTOR KIRK, CHAIRMAN OF THE DEPARTMENT OF GOVERNMENT, HUSTON-TILLATSON COLLEGE, AUSTIN, TEX.

Mr. LANE. The next witness is Mr. W. Astor Kirk, of Washington.

Mr. KIRK. Mr. Chairman, I do not have a prepared statement.

Mr. LANE. We will be glad to hear you, Mr. Kirk.

Mr. KIRK. Mr. Chairman, my name is W. Astor Kirk, and I am appearing as a private witness. I am professor of government and chairman of the department of government, at Huston-Tillatson College, at Austin, Tex.

Mr. LANE. Did you come all the way from there today?

Mr. KIRK. No, I have been here in Washington on a study project. I am one of the 10 internes selected by the American Political Science Association to study Congress and the legislative process.

I have been here on leave since November, and I will be returning at the end of this week, so I do want to express my deep appreciation for the opportunity to appear before this committee and to make some observations on the general problem that confronts the committee at this time.

I shall endeavor to be rather brief, and I do not want to repeat testimony which has already been given.

I would just like to point out that I would also emphasize the fact that it is important that we meet the questions involved in the field of civil rights and human rights.

I come from the southern area. I was born and reared in the South. I am still working there, and I felt that I had a responsibility to go back and to try to provide some intelligent leadership in those communities where this kind of a problem presents itself.

Ofentimes it is said that Negroes in the South are perhaps satisfied with their status and that everything would be all right if we did not have this agitation on the part of northern agitators, as it is com-

monly put in the press, but I would like to advise the committee that that certainly is not the case.

The people that I know are very vitally concerned about this whole problem, and they hope that the Congress will, in the near future, make some kind of gains in this field.

I feel personally that Congress has a responsibility. It has been brought out in previous testimony that the executive branch has made some gains in this field over the past decade, and the judicial branch has taken a more enlightened view on the privileges and the immunities of American citizens, and that they have made some gains. I think Congress has a responsibility too.

First of all it has the responsibility to see to it that its own action will not contradict the intelligent social engineering carried on in the executive and the judicial branches, and, secondly, I think it has the responsibility to supplement what has been done there. When you come to this kind of an issue, Mr. Chairman, various questions arise, and I would like to briefly address myself to about three of those questions which have not been touched upon this morning, or have been touched upon in an indirect manner only.

One of them is the States' rights issue.

As a teacher and as a student of government I do not think that there is anyone who is more devoted to the principle of State and local responsibility and State and local initiative than I am. But I must insist that where you are attaching to questions the principles of State's rights and State responsibility many times that means that the local communities are not going to take any action at all. Those who always raise the question of States' rights, as the honorable member from Georgia on this subcommittee did this morning, neglect to realize that if you do not want Federal action, then the best thing to do is to correct the situation locally, correct the situation on the State level. I fear that is not being done.

Secondly, in this whole field, I do not think that the issue of States' rights has any relevancy at all, unless someone is prepared to argue that the Congress is about to follow a course that is unconstitutional. In other words, I am suggesting that the States' rights issue is not relevant, unless a constitutional issue is involved.

I do not think anyone could say that the Congress of the United States does not have the constitutional power to regulate interstate commerce and thereby prohibit discrimination in interstate commerce.

I do not think anyone at this late date in the 20th century, with all of the judicial decisions we have had, would argue that Congress does not have the right to use its taxing and spending power in such a way as to further the general policy of the Nation, and so I do not think the States' rights issue is relevant here.

Another aspect of this, however, is that oftentimes you get paralysis at the local level because of the pattern of political, social, and economic power that exists. That has been demonstrated all through the testimony today that when you get paralysis at the local level that it is not possible to secure action there, and that the only way to get some relief is to have an outside force make an impact upon the local community, and in this whole field of civil rights I think that is what is needed.

Mr. LANE. We would not have these situations if the local authorities and the State authorities took care of these situations in their own home districts.

Mr. KIRK. That is very true.

Mr. LANE. Because of the fact that the people cannot get the desired relief through local officials, as you say, due to local politics, or personalities, or something else that might come into it, they have to come to a higher tribunal to seek help.

Mr. KIRK. That is true, that is exactly true, Mr. Chairman. We have to break that paralysis at the local level, and I think the only way to do it is to have some impact coming in from the outside on the community.

I have been very active in a number of efforts, and I believe we ought to have some reform at the local level. It has been very obvious over the years that that reform is not going to be possible because of the existing power relationships at the local level until you get some action from the outside.

There are many people at the local level in a number of communities, such as Georgia, Mississippi, and Alabama, who would welcome outside action because they are law-abiding people, and if the Congress of the United States passed a law they would abide by the law, but they do not feel that they can afford to take the lead in trying to get something done, because it just is not politically practical, it is not politically expedient for them to do it.

Mr. LANE. They just take the way of least resistance.

Mr. KIRK. That is right.

The final thing I want to mention in this connection is that some comment in testimony has been given to the effect that this is a problem for the liberal Members of Congress, and I share that view.

I would like, however, to indicate that in this whole field that what you are doing in trying to get through civil-rights legislation is that you are trying to get through legislation which would change the existing balance of power—social, economic, and political power.

There are many individuals who have a vested interest in maintaining the status quo, and some of your resistance comes because those people feel that if Negroes and other minority groups are permitted to vote freely, let us say, and to exercise all the other rights and privileges to which they are entitled, the political consequence of that would be that that would tend in the liberal direction. Hence, the people who now enjoy power in those local communities would no longer be in positions of power, and they resist because they realize that you are striking at the base of their own present political position.

That is true in my own State of Texas.

I am associated with the so-called loyal Democrats of that State, and we have been working very hard, at least, to get what we call real Democrats elected to office on the State level, and real Democrats elected to office on the national level.

Mr. LANE. There are a lot of loyal Democrats in Texas.

Mr. KIRK. That is true, but we are convinced that those entrenched and vested interests realize that we are striking at the base of their power, and their opposition is, in some instances, not racial at all, but it is economical and political, so I think the committee would want to keep that kind of consideration in mind.

Now, I would finally like to endorse, or suggest that it is best for the committee to consider this omnibus approach, the so-called Powell bill and the bills introduced by the other two Congressmen that would embody a comprehensive approach to the solution of these problems, and I think that approach may lead to legislative action much more readily than the piecemeal approach. I would suggest that the committee seriously consider that as the most expedient approach.

Again, I want to thank the committee and the chairman for the privilege of appearing before you as a private witness. It is not very often that people who are located as far away from the seat of government as I am get the opportunity to appear before committees of Congress to present their views, so I certainly do thank you for the privilege of appearing before the committee.

Mr. LANE. May I say to you, Mr. Kirk, as a member of the House Committee on the Judiciary, that you are always welcome to come and speak before our committee at anytime, that you have that privilege any time you want it.

Mr. KIRK. Thank you. It is a problem of distance, Mr. Chairman. It is not possible for us to get to Washington very frequently.

Mr. LANE. Thank you, Mr. Kirk.

At this point I would like to submit for the record the statement of the American Jewish Committee.

(The matter referred to is as follows:)

STATEMENT OF THE AMERICAN JEWISH COMMITTEE

The American Jewish Committee was organized in 1906 and incorporated by special act of the Legislature of the State of New York. Its charter states:

"The objects of this corporation shall be to prevent the infraction of the civil and religious rights of Jews in any part of the world; to render all lawful assistance and to take appropriate remedial action in the event of threatened or actual invasion or restriction of such rights, or of unfavorable discrimination with respect thereto * * *"

For almost 50 years, it has been a fundamental tenet of the American Jewish Committee that the welfare and security of Jews are inseparably linked to the welfare and security of all Americans, whatever their racial, religious, or ethnic background may be. We believe that an invasion of the civil rights of any group threatens the safety and well-being of all groups in our land. Hence we are vitally concerned with the preservation of constitutional safeguards for all.

But constitutional guaranties, historical documents, and basic traditions, wonderful though they be, only establish the principles to which we Americans are dedicated. It still takes people to put these principles into practice and keep them alive. And because there are always some people who are slow or unwilling to do what is right, it also takes laws to make people act as they should.

Many States and cities have adopted laws during the past decade to make certain that their residents enjoy the rights which belong to all Americans.

Fourteen States have outlawed racial and religious discrimination in employment, to make sure that qualified workers have an equal chance for jobs.

Three States have forbidden bias in admission to college and professional schools, to give promising young people an equal chance for education.

Some three dozen cities have enacted ordinances requiring equal treatment in public and publicly assisted housing, to prevent unfair racial segregation and discrimination.

There are also State and city laws in many parts of our country barring racial or religious discrimination in parks, playgrounds, restaurants, hotels, and other places of public accommodation, resort, or amusement.

But while State and local laws insure equality of treatment and opportunity for millions of Americans, many additional millions are without this protection—or can lose it simply by moving from one city or State to another. Only Congress

can adopt nationwide laws, and Congress has failed to enact a single civil-rights measure in the past 80 years

Some 51 bills are before this subcommittee for consideration. In general, all of these bills, with or without modifications, have been considered by committees of both Houses of the Congress for the past 10 years at least. In fact, the American Jewish Committee, like other organizations that have supported the expansion of civil rights, has testified on numerous occasions before various committees and subcommittees of the Congress and executive commissions, in favor of the enactment of civil-rights measures

On March 14, 1945, Mr. Marcus Cohn, Washington counsel of the American Jewish Committee, appeared before a subcommittee of the Senate Committee on Education and Labor, in support of S. 101, which would have established a permanent fair employment practice committee with enforcement powers

On May 1, 1947, Dr. John Slawson, executive vice president of the American Jewish Committee, proposed to the President's Committee on Civil Rights a comprehensive program including the following recommendations

- (1) Expansion of the Civil Rights Section of the Department of Justice.
- (2) Enactment of a Federal anti-poll-tax bill.
- (3) Enactment of a Federal anti-lynch bill
- (4) Enactment of a Federal fair employment practice law with enforcement machinery.

(5) Establishment of a Federal Commission on Civil Rights to serve in an advisory capacity to the President and other Government officials.

(6) Enactment of Federal legislation barring discrimination in educational institutions which receive public funds.

(7) Organization of a Government educational program, through various Federal agencies, to promote civil rights and combat prejudice.

On June 13, 1947, Mr. Ben Herzberg, chairman of our legal and civil affairs committee, testified before a subcommittee of the Senate Committee on Labor and Public Welfare in favor of S. 984, a bill to establish a permanent fair employment practice committee with enforcement powers

On April 25, 1949, Col. Harold Riegelman, American Jewish Committee vice president, appeared before the President's Committee on Equality of Treatment and Opportunity in the Armed Forces in support of total and speedy elimination of segregation in the services.

On May 12, 1949, Mr. George J. Mintzer testified on behalf of the American Jewish Committee before a Subcommittee on Elections of the House Committee on Administration, to urge the enactment of H. R. 3199, a bill to abolish the poll tax

On May 25, 1949, as chairman of our executive committee, I testified before a special subcommittee of the House Committee on Education and Labor and urged the enactment of an effective fair employment practice law.

On October 3, 1951, I appeared before the Senate Committee on Rules and Administration in favor of Senate Resolution 105, a bill to give the Senate realistic power to invoke cloture.

Again, on April 18, 1952, I testified before the Subcommittee on Labor and Labor-Management Relations of the Senate Committee on Labor and Public Welfare, urging the enactment of effective legislation to prohibit racial and religious discrimination in employment.

On January 27, 1954, Mr. Nathaniel H. Goodrich, Washington counsel of the American Jewish Committee, testified before the Subcommittee on Civil Rights of the Senate Judiciary Committee, in support of S. 1, a proposal to establish a permanent commission to promote respect for civil rights

On February 24, 1954, Justice Meier Steinbrink testified before the Subcommittee on Civil Rights of the Senate Committee on Labor and Public Welfare, on behalf of both the American Jewish Committee and the Anti-Defamation League, urging the adoption of S. 692, a bill to prohibit racial and religious discrimination in employment.

For years both major political parties have promised to adopt Federal civil-rights legislation.

"This right of equal opportunity to work and to advance in life should never be limited on any individual because of race, religion, color, or country of origin. We favor the enactment and just enforcement of such Federal legislation as may be necessary to maintain this right at all times in every part of this Republic"—Republican Party platform, 1948.

"We call upon the Congress to support our President in guaranteeing these basic and fundamental rights: (1) The right of full and equal political partici-

pation, (2) the right of equal opportunity of employment, (3) the right of security of person, (4) and the right of equal treatment in the service and defense of our Nation"—Democratic Party platform, 1948.

"We shall continue to sponsor legislation to protect the rights of minorities"—Republican National Resolutions Committee, 1950.

"We again state our belief that racial and religious minorities must have the right to live, the right to work, the right to vote, the full and equal protection of the laws, on a basis of equality with all citizens as guaranteed by the Constitution."—Democratic national resolutions committee, 1950.

"We believe that the Federal Government should take supplemental action within its constitutional jurisdiction to oppose discrimination against race, religion or national origin."—Republican Party platform, 1952.

"We favor Federal legislation effectively to secure the rights to everyone: (1) The right to equal opportunity for employment; (2) the right to security of persons; (3) the right to full and equal participation in the Nation's political life, free from arbitrary restraints. We also favor legislation to perfect existing Federal civil-rights statutes and to strengthen the administrative machinery for the protection of civil rights."—Democratic Party platform, 1952.

The American Jewish Committee believes the enactment of Federal civil-rights legislation is long overdue. We think the Congress should enact a comprehensive program—

To protect the right to equality of opportunity in employment;

To set up a commission to evaluate the status of our civil rights and to report periodically to the Congress and the executive branch of the Government;

To raise the stature of the Civil Rights Section of the Department of Justice to a division, under the supervision of an Assistant Attorney General, staffed and capable of stepping in to protect the civil rights of citizens when they are threatened;

To strengthen the Federal civil-rights statutes to permit the invocation of Federal jurisdiction whenever citizens are threatened or molested by State or municipal officials for asserting their constitutional or civil rights;

To abolish the poll tax as a prerequisite for voting for Federal office-holders;

To punish anyone who attempts to interfere with a citizen seeking to exercise his right to vote for Federal officials, whether in primary or general elections;

To outlaw racial segregation in interstate transportation and in all other areas subject to Federal regulation or jurisdiction;

To make lynching a Federal offense.

Congressional committees have repeatedly held hearings and issued reports on many facets of this comprehensive civil-rights program. Occasionally the House has passed one or another of the bills introduced to put this program into effect. But the Congress as a whole has failed to act favorably on any of the civil-rights measures presented to it in 80 years.

The American Jewish Committee believes it is time that Federal civil-rights legislation moved beyond the stage of committee hearings and reports. We express no preference or order of priority among the various civil-rights issues before the Congress. We believe the Congress should deal with all of them—thereby bringing our practices and conduct into conformity with our basic principles and constitutional guaranties.

IRVING M. ENGEL, *President*.

MR. LANE. I would like to submit for the record, also, the statement of Mr. Mike Masaoka, who represents the Japanese American Citizens League, of Washington and, of course, the west coast.
(The statement referred to is as follows:)

JAPANESE AMERICAN CITIZENS LEAGUE,
Washington 6, D. C., July 15, 1955.

HON. THOMAS J. LANE,

*Chairman, Subcommittee on Civil Rights,
Committee on the Judiciary,*

House of Representatives, Washington 25, D. C.

DEAR CONGRESSMAN LANE: It is our understanding that your subcommittee is presently considering some 53 bills, most of which are identical in purpose and language, which relate to the civil rights of all of our citizens.

Although we have testified in previous Congresses before both House and Senate subcommittees which have had this same subject under consideration, we are not at this time requesting an opportunity to be heard on this vital matter of promoting the civil rights of all Americans, because we are confident that others more expert and eloquent than we have and will present facts and arguments to demonstrate the immediate need for this legislation. .

We do want, however, to make it emphatically clear that we approve and endorse any legislation that will enlarge the area of human dignity and open new opportunities for all of our millions of citizens, regardless of race, color, creed, or national origin.

As Americans of Japanese ancestry who have experienced, especially during World War II, racial discrimination in many of its most sordid expressions, legal as well as otherwise, we can and do appreciate the subtle as well as more obvious aspects of prejudice which restricts, humiliates, and persecutes some of our fellow Americans of other races, creeds, colors, and national origins.

This is not meant to suggest that we Americans of Japanese ancestry are no longer subjected to racial antipathies. Though our present status as a nationality and minority group in the United States is considerably better than it ever has been, nevertheless we still meet with racial prejudice in various matters, particularly in housing.

We urge, therefore, as a matter of our national self-interest, that appropriate legislation be enacted immediately to repeal all statutes which provide legal sanction for continued bigotry and to approve administrative and other means to better assure the elimination of racial and religious discrimination from our national life.

As the only national organization of Americans of Japanese ancestry, indeed of Asians, in this country, we are privileged to associate ourselves at this time with our fellow Americans of good will, of all nationalities and religions, in urging immediate enactment of needed civil-rights legislation.

Many of our members know, from personal observation in Japan and Asia, where many served in our Armed Forces in World War II and in the recent Korean hostilities, and while on business and pleasure trips to the Orient, that one of the most embarrassing and difficult questions which is asked too often relates to our regard for our fellow Americans of another color or ancestry or religion.

To these peoples of free Asia, who comprise more than a third of the world's population, this matter of equality in and under the law is a most serious one, for they are numbered among the colored peoples and few embrace Christianity.

To them, the yardstick by which our sincerity of purpose and regard for all peoples is our treatment of our citizens who are believers in Christianity. In our regard for these of our citizens is measured our qualification for leadership of the free world.

Though the international implications of our racial prejudices are very grave, even more important to us as individual Americans is the inevitable conclusion that so long as any individual suffers mistreatment because of his antecedents or method of worship, that long are the freedoms, liberties, and opportunities of all Americans in jeopardy. To strengthen our own civil rights, we must protect and defend the civil rights of all.

Moreover, there are economic, social, and cultural advantages in a society of free and equal men. Conversely, racial and religious discrimination rob our Nation of these economic, social, and cultural benefits by humiliating and hamstringing many who could contribute much to the real wealth of our country.

During the past several decades, the courts and the executive have done much to strike down the specter of racial discrimination in our national existence, thereby advancing greatly the civil rights of us all. But the Congress, during this same period, has demonstrated a reluctance to deal with this problem; as a matter of fact, with few exceptions, the judiciary and the executive have been responsible for all the gains made, and some are of a momentous nature, in this field of human rights.

The time has now come when the legislative branch should join with the judiciary and the executive in making more real the American dream of equal rights and opportunities for all without respect to ancestry or religion or color.

The Congress can, and should, enact appropriate enabling legislation which will expand and extend the power and the authority of the courts and the execu-

tive to make secure the civil and human rights of all of our citizens. In this manner will the Congress promote the general welfare of our Nation.

Sincerely,

MIKE M. MASAOKA,
Washington Representative.

Mr. BRODEN. Then, Mr. Chairman, we have a request that the statement of the National Community Relations Advisory Council be submitted for inclusion in the transcript of the record.

Mr. LANE. If there is no objection, the statement will be included at this point in the record.

(The statement referred to is as follows:)

STATEMENT OF THE NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL
ON PENDING CIVIL RIGHTS BILLS

This statement represents the combined and joint views of the constituent organizations of the National Community Relations Advisory Council, coordinating and joint-policy-forming agency of national congregational bodies representing the conservative, orthodox, and reform movements of American Judaism and Jewish community relations organizations, national and local. All these constituent organizations are engaged in programs to foster interreligious and interracial amity in furtherance of the principle that all men are to be dealt with justly and equally in total disregard of race, creed, religion, and ancestry.

The organizations affiliated in the National Community Relations Advisory Council are

NATIONAL ORGANIZATIONS

American Jewish Congress
Jewish Labor Committee
Jewish War Veterans of the U. S. A.
Union of American Hebrew Congregations
Union of Orthodox Jewish Congregations of America
United Synagogue of America

LOCAL, STATE, AND REGIONAL COUNCILS

Jewish Welfare Fund of Akron
Jewish Community Relations Council for Alameda and Contra Costa Counties, Calif.
Baltimore Jewish Council
Jewish Community Council of Metropolitan Boston
Jewish Community Council, Bridgeport, Conn.
Brooklyn Jewish Community Council
Community Relations Committee of the Jewish Federation of Camden County, N. J.
Cincinnati Jewish Community Council
Jewish Community Federation, Cleveland, Ohio
Connecticut Jewish Community Relations Council
Jewish Federation of Delaware
Detroit Jewish Community Council
Elizabeth Jewish Community Council
Jewish Community Council of Essex County, N. J.
Community Relations Committee of the Hartford Jewish Federation
Indiana Jewish Community Relations Council
Indianapolis Jewish Community Relations Council
Community Relations Bureau of the Jewish Federation and Council of Greater Kansas City
Community Relations Committee of the Los Angeles Jewish Community Council
Milwaukee Jewish Council
Minnesota Jewish Council
New Haven Jewish Community Council
Norfolk Jewish Community Council
Philadelphia Jewish Community Relations Council
Pittsburgh Jewish Community Relations Council
Rochester Jewish Community Council

Jewish Community Relations Council of St. Louis
 Community Relations Council of San Diego
 San Francisco Jewish Community Relations Council
 Southwestern Jewish Community Relations Council
 Jewish Community Council of Toledo
 Jewish Community Council of Greater Washington
 Jewish Community Relations Council of the Jewish Federation of Youngstown

We have, on many previous occasions, expressed ourselves in favor of the principles of most of the civil-rights bills now being considered by this committee. We have submitted statements and testified orally in support of such bills. So, too, have many other organizations with similar aims and purposes. We think, therefore, that little would be gained by a repetition of the views we have so often expressed in the past.

Our purpose in presenting this statement is merely to emphasize our view that there have been more than adequate deliberation and consideration of bills seeking to secure equality for all racial and religious groups in our country. There have been sufficient hearings at which all possible aspects of the problem have been considered thoroughly and all varying views been given opportunity for expression. We believe strongly that further hearings would serve no useful purpose and will add nothing to the knowledge now in the possession of the Members of the House of Representatives. We believe strongly that the time has long since passed for action rather than further deliberation on these measures.

We do not wish to express any view as to priorities among the bills. We think that in principle, all should be enacted. We believe that the bills seeking to prove existing civil-rights laws are long overdue. The enactment of an enforceable fair-employment practices act, the establishment of a national commission on civil rights, the creation of a civil-rights division in the Department of Justice, the outlawing of lynching, the strengthening of the antipeonage laws, the protection of the right to vote without discrimination on racial and religious grounds, all these measures have been endorsed time and time again by civil-rights organizations and all other organizations concerned with the preservation and extension of American democratic concepts.

We, therefore, urge this committee to report favorably these measures to the floor of the House of Representatives so that immediate action may be taken upon them at this session of the Congress and thus begin to bring an end to that long period since 1875 in which no Federal civil rights has been enacted.

Respectfully submitted.

BERNARD H. TRAGER, *Chairman*

Mr. LANE. We have also statements by the National Lawyers Guild, National Council of Jewish Women, Inc., Women's International League for Peace and Freedom, and the American Civil Liberties Union. Without objection, these statements will be made a part of the record.

(The statements referred to are as follows:)

NATIONAL LAWYERS GUILD,
 New York 5, N. Y., July 27, 1955.

HON. THOMAS J. LANE,
*Chairman, Subcommittee No. 2,
 House Judiciary Committee,
 Washington, D. C.*

DEAR REPRESENTATIVE LANE: You are presently considering a large number of pending bills designed to eliminate in whole or in part the practice, or sanctioning, by national or local governments of discrimination or segregation on racial grounds. The National Lawyers Guild, which has pledged its full effort to secure a comprehensive civil-rights statute and which drafted the model civil-rights bill, urges you to report favorably upon one of the pending comprehensive bills, such as H. R. 389 introduced by Representative Adam Clayton Powell, or H. R. 3688, introduced by Representative Barratt O'Hara in this session of the 84th Congress.

The time for enactment of a comprehensive civil-rights law was never more propitious than it is today. The groundwork for its public acceptance has been

laid by the Supreme Court decision declaring segregation in public schools to be discriminatory and unconstitutional. This decision went a long way toward reestablishing, as a matter of law and public conscience, the equal-protection clause of the 14th amendment and did much to give substance and content in this area to the due process clause of the 5th amendment.

The decision provides a clear constitutional basis for eliminating segregation not only in the schools, but in all other areas of segregation imposed or sanctioned by any government.

For some years now the comprehensive bill, and many individual bills such as are now before you dealing with each phase of the problem, have been introduced. And each year a larger number appear, with wider and wider sponsorship. As Senator Ives noted, in reporting on a fair employment practices bill in the last session of Congress:

"Open opposition to legislation of this type appears to have abated substantially in recent years. During the hearings on this bill, which lasted some 6 days, no witness appeared in opposition to the bill nor was there any statement submitted by any person or group in opposition to it."

Opposition today takes the form of delaying and frustrating action—of inaction, pure and simple. It takes the form of argument that while the result to be accomplished may be desirable, it should not be done now, or not in this way, or not by this governmental authority, or not with any real sanctions. Apart from the dwindling outbursts of open bigotry, the only form of open opposition today urges that one cannot legislate prejudice out of existence and that love of one's neighbor is born of understanding and true tolerance and cannot be engrafted through laws and regulations. To this argument the answer is simple: laws are not themselves a solution, but they are a way of solving. One can study the laws of any society, modern or primitive, to discover not so much how the people live as how, truly, they feel they should live. To enact a comprehensive civil-rights law may not be to accomplish overnight the elimination of prejudice and discrimination, but it will be a healthy sign of moral progress in America.

And although the first Supreme Court decision did no more than express a basic principle, yet, the expression of principle alone served, in advance of the mandate, to alter in very meaningful ways, the mores and conduct of a great many people in many States. To preserve the gains thus made, and to carry forward upon the impetus thus furnished, a strong expression is needed from the lawmaking body—the enactment of a comprehensive statute (or series of individual statutes) specific in its prohibitions and clear in its intended scope. It must be a criminal statute with all the clarity demanded of criminal statutes, and it must have specific penalties to crystallize the new and growing moral standards of this country. For the law contains penalties not solely as a measure of punishment to be inflicted on its violators, but also as a measure of the severity with which society looks upon the transgressor. It is our way of knowing that the community hates kidnapping more than passing a red light. And this is why so many have the feeling that a law without "teeth" expresses a moral principle which nobody believes in very firmly.

On behalf of the National Lawyers Guild I urge you to report favorably on a comprehensive civil-rights bill (or its separate component parts). I enclose additional copies of this letter for the information of your subcommittee members and ask that this letter be made part of the record of your hearings.

Sincerely yours,

JESSICA DAVIDSON, *Secretary*.

STATEMENT SUBMITTED BY NATIONAL COUNCIL OF JEWISH WOMEN, INC.,
NEW YORK, N. Y.

The National Council of Jewish Women, which was established in 1893, and now has a membership of over 100,000 throughout the United States, has been dedicated to the promotion of human rights since its inception.

The delegates to our last biennial convention, held in New Orleans, La., in March of 1955, adopted the following resolution:

"HUMAN RIGHTS AND DEMOCRACY

"The National Council of Jewish Women believes that all American citizens, regardless of national origin, should be guaranteed the right to safety and security of person, to freedom of conscience and expression, and to equality of oppor-

tunity, without discrimination as to race, sex, or creed, as set forth in the Declaration of Independence and the Bill of Rights.

"The National Council of Jewish Women reaffirms its abiding faith in the principles of democracy and its unalterable opposition to all forms of totalitarianism and authoritarianism which would suppress individual rights or destroy groups of people in any part of the world: It therefore

"Resolves;

"1. To support legislative measures and administrative rulings—

"(a) to extend opportunities for free expression and to safeguard the rights and freedom of all;

"(b) to extend full civil and economic rights to all without discrimination or segregation

"2. To support interfaith, interracial, and intercultural programs.

"3. To work for the strengthening of State and local laws against lynching, and support legislation which will make participation in lynching a Federal felony, and will provide for the prosecution of local officials who fail to protect persons from lynching or willfully fail to apprehend participants.

"4 To exert renewed efforts toward the repeal of discriminatory legislation and discontinuance of practices abridging the right of any citizen of proper age and residence to vote."

For the past decade or so the National Council of Jewish Women, its local sections and individual members, have expressed themselves in support of civil-rights proposals which are under consideration by various committees of Congress. The above-quoted resolution indicates the continued interest of our organization in measures which are necessary to provide equal citizenship for all Americans.

While much has happened during the past decade, congressional action in the field of civil rights is now more urgent than ever. The United States is now the leader of the free world. The Congress of the United States appropriates annually millions of dollars for the purpose of winning friends and influencing peoples abroad. How effective can this program be with the uncommitted people in parts of the world where we are now engaged in a struggle for the minds of men? Our failure to bring our practices and conduct into conformity with our basic principles and constitutional guaranties are the strongest weapon in the hands of our enemies who are trying to undermine our position in the world.

We are hopeful that the large number of bills pending before your committee and the hearings now being held are an indication the one branch of Congress—the House of Representatives—is cognizant of the urgent need for action in this field. It is the firm belief of our members that Congress should adopt a comprehensive civil-rights program and that such action is long overdue.

We are not commenting on specific bills before your committee because the proposals embodied in them have been before congressional committees for a number of years and we have testified in favor of the enactment of such legislation. The problems have been studied now exhaustively by Congress and there should be sufficient information to do more than merely hold hearings and issue reports. We therefore hope that all Members of Congress will do everything within their power to help enact a comprehensive civil-rights program in the 84th Congress.

STATEMENT IN SUPPORT OF CIVIL RIGHTS LEGISLATION SUBMITTED BY THE UNITED STATES SECTION OF THE WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM, WASHINGTON, D. C.

The Women's International League for Peace and Freedom was founded in 1915 by Jane Addams of Hull House and is an international, interfaith, and interracial organization whose aim is to establish by democratic methods those political, economic, and psychological conditions which will assure the inherent rights of man and bring peace among the nations.

The most difficult problem in American life today remains—the problem of securing for the Negro his rightful status as a first-class citizen. Segregation, the badge of inferiority which America imposes upon the Negro, still is with us. It is the most widespread of all discriminations against the Negro. It does not deny the Negro his rights—it simply limits what it permits. But it is not the only form of discrimination; for, in parts of the United States today the Negro can still be denied altogether the right to work, to eat, to sleep, even

to be buried. This inferior status imposed by the white man upon the Negro, has left deep, festering sores on the character and social order of the whole American people. It has irreparably damaged our chances for creative leadership in world affairs. Progress has been made toward ending racial discrimination in America, particularly in winning court reversal of many of the legal bulwarks of segregation. But the end of discrimination is nowhere accomplished. The inequalities bred by discrimination and segregation remain so widespread, so deeply a part of our culture, that years of enlightenment and litigation will be needed to surmount them. Exacting though the job may be, there is no alternative to our common goal of equality and justice for each American.

It has been a source of real concern on the part of the Women's International League for Peace and Freedom that the many civil-rights measures introduced in both the House and Senate at each session of Congress have not had sufficient consideration to enact them into law. We believe that this is a serious dereliction of duty in view of our basic faith in the ideals of our American democracy.

The Women's International League for Peace and Freedom wishes to go on record as supporting the following civil-rights legislation:

1. For the establishment of a Commission on Civil Rights in the executive branch, a Civil Rights Division in the Department of Justice, and a Joint Congressional Committee on Civil Rights; all for the purpose of strengthening criminal laws protecting civil rights;

2. For the elimination of segregation in interstate transportation;

3. For the barring of discrimination in housing;

4. For the abolition of the poll tax;

5. For an antilynching law;

6. For the strengthening of Federal laws relating to convict labor, peonage, slavery, and involuntary servitude;

7. For the strengthening of existing Federal civil-rights laws;

8. For the prohibition of discrimination in employment.

Since our organization believes that the enactment of an effective FEPC is one of the most important next steps in civil-rights legislation, we wish to expand our reasons for this.

The basic reason for the enactment of an effective Federal FEPC is to guarantee to everyone a human right—the right of a properly qualified person to equality of employment opportunity regardless of his race, religion, color, national origin or ancestry. Because this right [to equality of employment] is now denied to many of our citizens, we fail in our task to fully promote the public welfare.

Denial of equality of employment opportunity means in practical terms: substandard housing, low purchasing power, less cultural and educational advantages, improper sustenance with its accompanying poor health, low morals, crime and delinquency. Denial of the use of great resources of manpower in an industrial society means that the general economy suffers; in economic terms, job discrimination is a major budget item which we cannot afford. Frustration of a person's or group's ambitions and hopes to contribute to the common good, intensifies group tensions, industrial strife, and individual conflicts. We try to meet the results of our job discrimination through relief, health, welfare, police, and corrective services. How much wiser it would be for us all if we were to remove the causes rather than to treat the results. In a country whose citizens are of differing faiths, races, and ancestry, we are obligated to do all we can to prevent acts of job discrimination because they cause grave injury to the economic, social, and political welfare of the state. The executive branch has in recent years recognized its responsibility in this area; the Supreme Court decisions have taken into consideration these facts. It is time for the Congress to move out from its neutrality on this and other civil-rights issues—for "neutrality" is actually a way of supporting the status quo and perpetuating job and other discriminations.

When the Federal Government denies protection for a human right and thereby endangers our general welfare, we seriously threaten the peace and freedom we seek with the rest of mankind.

Subversiveness is not solely the work of a political group—there is also the subversiveness of an economic group. This economic subversiveness is job discrimination which attempts to split Americans into competing groups—white, Negro, Catholic and Protestant and Jew, Italian and Chinese and German. This is an unacknowledged disloyalty to our country and to the cause of world peace and freedom—to disunify Americans who less than 200 years ago bound them-

selves together with their differences to demonstrate to the world a working democracy dedicated to freedom and equality.

Whether through colonialism, imperialism, satellitism, or totalitarianism in its varied forms, these are times when individuals in vast sections of the world are subordinated to the interests of the state. One of the most far reaching effects of the enactment of civil-rights legislation would be to illustrate to men everywhere that we in the United States intend to continue to insist upon the dignity of the individual. This is our unique and distinct contribution to a world torn by conflicting ideologies concerning the individual and the state.

Do not our human relations within the United States determine the nature and affect the outcome of our relations with the peoples and governments of other lands? We are all aware of the criticism which has been directed toward the United States from a world which is two-thirds nonwhite, regarding our own treatment of minorities within our country. Would we not strengthen our moral position of world leadership for peace and freedom by acknowledging job discrimination which still exists in our land and by taking vigorous and courageous action to eliminate it?

Finally, must we not enact a Federal FEPC as part of the fulfillment of the international treaty obligations imposed by the Charter of the United Nations upon the United States as a signatory to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

Here are two typical questions raised by those who oppose a Federal FEPC and some suggested answers:

"Doesn't FEPC interfere with an employer's right to choose his own workers?"

(a) FEPC does not interfere with an employer's rights; it prevents him from denying the worker's rights. The employer is not forced to hire or discharge anyone; he is rather prevented from refusing to employ qualified persons because of their race, religion, color, national origin, or ancestry. (b) Every freedom has a corresponding obligation. When an employer fails in his obligation to his fellow citizens by denying them their human rights, the Government, according to American tradition, acts to guarantee him his individual freedom up to the point where he denies basic freedom to others. Our laws and our courts uphold this principle in rules of the highways, in rules governing trade and commerce, in labor agreements, in housing specifications, in health and welfare regulations, etc. Why not in employment? (c) No court has invalidated such procedure anywhere it has been followed, nor has there been any movement for repeal of such laws where they have been instituted.

"Why can't fair employment practices be voluntary?"

(a) Those involved in encouraging voluntary employment practices are of these two types: First, some large and powerful groups project this reason in opposing FEPC laws but they do very little themselves on a voluntary basis; second, those who believe that the voluntary basis is valid, but realize at the same time that the most they can do is but a drop in the bucket because of the magnitude of the task, and support voluntary practices as a forerunner to Federal legislation. (b) Records show that many businessmen do want fair employment practices in their own plants and offices, but hesitate to take the leadership as champions of a human right, and would prefer that the Government take this lead and allow them to cooperate with the backing of the law. (c) Experience has proved that one of the major and determining factors in the success of a changeover from discrimination to equalization, has been the position of the management in taking a firm, clear, unequivocal, and public stand in the declaration of the new policy, usually with the support of State or Federal legislation. This is true whether the situation concerns a swimming pool, a restaurant, or a cemetery. Lack of law in the field of employment has either encouraged irresponsibility in this matter or has caused confused or varied procedure among States and municipalities. A Federal FEPC law would clarify the stand of our Federal Government on equality of employment opportunity.

Now is the time for the leaders to lead. Today a mature political leadership must face the fact of job discrimination in the United States which denies a human right, endangers our domestic welfare, and threatens the peace of the world. There will be a few loud, dissenting voices when such legislation is passed; but millions of other citizens will affirm such forthright action; millions upon millions the world over will be encouraged in their own struggle for liberty and equality; and our own American children and youth will grow up in gratitude for your wisdom and humanity.

STATEMENT OF THE AMERICAN CIVIL LIBERTIES UNION ON CIVIL RIGHTS LEGISLATION

The bills now pending before this subcommittee each deal with one or more methods of protecting the civil rights of the American people. Some are omnibus measures, encompassing (or adding to) in one degree or another several of the proposals made in other bills which each deal with only one civil-rights problem. We urge that this committee favorably act on either one of the major omnibus bills, or on each of the individual measures. We take this position because we believe those bills, with certain amendments, represent a comprehensive expansion of civil rights in the United States.

We believe it is time for the National Legislature to show that it stands behind the Constitution of the United States and agrees with the United States Supreme Court that invidious racial discrimination or segregation has no place in a democratic Nation dedicated to the ideals of freedom and equality. The passage of this legislation would not only eliminate the gap between the promise of equality and our actual practice; it would also be the strongest possible blow that Congress could strike against Communist tyranny, for the Communists' most effective propaganda is that while this country talks about freedom and civil liberties, it does nothing about them. This propaganda argument would be rudely shaken by congressional action to strengthen the civil rights of all Americans.

While we know of the need for congressional committee discussion of proposed legislation, the measures before the subcommittee are not essentially new. Virtually all matters contained in the bills now pending has been subject already to congressional committee scrutiny, not once, but several times. Prolonged or repeated hearings can only result in reiteration of pro and con views which can already be found in reports of previous committee hearings. We submit that what is needed is not further committee deliberation, but a determination to report these bills favorably to the House of Representatives and to work unceasingly for their passage.

We present below a brief analysis of the 10 groups of bills which are pending before the subcommittee. In the interest of brevity and simplicity, we shall treat only the major aspects of these bills, and also attempt to avoid duplication.

I. MAJOR OMNIBUS BILLS

(H. R. 51, Addonizio; H. R. 389, Powell; H. R. 702, Rodino; H. R. 3688, O'Hara)

These are the bills which combine all the other bills which have been introduced on this subject. They contain, generally, an antilynching act; amendments to strengthen the civil-rights statutes; compulsory FEPC, which can be applied both to employers and unions and enforced by application to a United States court of appeals and reviewed by such court as well as the United States Supreme Court; provisions preventing discrimination in transportation, federally assisted housing and education (different bills regulating different stages of education); anti-poll-tax legislation; setting up a Civil Rights Commission in the executive department; a Joint Congressional Committee on Civil Rights; and expansion of the present Civil Rights Section of the Justice Department to a Division with an Assistant Attorney General assigned thereto.

As to prohibition of discrimination and segregation in interstate transportation, while the Supreme Court has ruled that a State law imposing segregation is unconstitutional as an undue burden on interstate commerce (*Morgan v. Virginia*, 328 U. S. 373 (1946)), it is not clear whether or not a self-imposed carrier regulation imposing segregation is unconstitutional. The States themselves probably cannot outlaw these regulations, since that too would be an undue burden on interstate commerce (*Hall v. DeCuir*, 95 U. S. 485 (1877)). No cry can possibly be raised of States rights, for, as was said in the Hall case, "If the public good requires such legislation, it must come from Congress and not from the States" (id. at 490). There can be no doubt that the public good requires the end of segregation. This degrading process must be stopped, not only to stop the inroads of Communist propaganda, but also to restore dignity to all men, be they white or black.

The importance of an FEPC law cannot be too strongly stressed. Congress has an obligation to insure that all citizens should have equal rights in employment in interstate commerce. This principle should apply to employers and associations of workers alike so that the protection of Federal law may be extended to the right to work on the basis of men's ability regardless of race and religion.

The principle has been tested by the wartime Federal agency (FEPC) and by the experience of many States, who have in recent years adopted FEPC statutes. The operation of the State statutes has won over to the side of fair employment practice some of its most vigorous opponents. Fears of coercive measures against employers have been shown to be unfounded. Such measures have not been necessary to secure compliance. General recognition of the justice of fair practice is in the spirit of the times. Even the fears of coercion in the South are unfounded in the light of methods used both by the Federal Government in wartime and by the States.

The chief objection to such a bill is apparently that an employer's relationship with his employees is a private matter not subject to regulation by the State in hiring or promotion. But Congress has already legislated in regard to private employment in many ways. It has regulated collective bargaining and the closed shop. It has barred employment in private industry under certain conditions to Communists and Fascists. It has assumed under the interstate commerce clause wide powers over employing policies.

The bills would not compel any employer to hire any particular person. They would ban only the practice of racial or religious discrimination—by employers and labor unions alike.

The charge that the bills are an interference with States rights is answered first, by the fact that the Supreme Court can be trusted to protect these States rights guaranteed by the Constitution, and secondly by the fact that States rights are protected by the bills' omission of employers not engaged in interstate commerce or in operations not affecting interstate commerce.

The charge that the compulsory features of the bills are unfair is without merit. The Commission must investigate charges of discrimination, and if it finds probable cause it must then follow the methods of conference, conciliation and persuasion. It cannot be too strongly emphasized that in the States in which FEPC has already been in operation for a substantial length of time, there has hardly been an instance in which these informal methods have failed to remedy the complaint. Compulsion is necessary behind any law. If informal methods do not work, what form would compulsion take? A full hearing must be held before the Commission, in which the employer has the fullest opportunity. If the Commission deems the employer guilty of discrimination, it issues a cease-and-desist order, which may be enforced only upon petition to the courts, and the courts under certain conditions may order that additional evidence be taken. After such full and fair procedure, an employer's freedom to hire, but not to discriminate, could not be in the least impaired. If it is argued that it is difficult to determine discrimination, the answer is that all courts and administrative agencies must and do determine more difficult factual questions. The very difficulty of proving discrimination would insure that no one will be unjustly held guilty by the Commission or by the courts.

The interest of the ACLU as a national agency of 35 years' record in supporting for everybody the principles of the Bill of Rights, is in the extension of those rights to industry. It is not enough to urge equality before the law in political rights regardless of race and religion; the principle is valid for our democracy as applied to a man's right to equality in employment.

Federal law alone can fix fair standards for the Nation. Federal law alone will serve notice to the world that our democracy means in fact what we profess in principle. (See, also, III below.)

II. MINOR OMNIBUS BILLS

(H. R. 627, Celler, H. R. 3389, Barrett; H. R. 3423, Davidson; H. R. 3472, Roosevelt; H. R. 3562, Chudoff; H. R. 3585, Diggs; H. R. 5348, Reuss)

These bills are generally limited to establishing an Executive Commission on Civil Rights, expanding the civil-rights activities of the Justice Department, creating a Joint Congressional Committee on Civil Rights, amending and improving existing civil-rights statutes, and legislating against discrimination and segregation in interstate transportation. (See, also, III below.)

III. ANTILYNCHING BILLS

(H. R. 259, Celler; H. R. 3304, Dollinger; H. R. 3480, Roosevelt; H. R. 3563, Chudoff; H. R. 3575, Davidson; H. R. 3578, Diggs; H. R. 5345, Reuss)

Happily, the number of lynchings in the United States has sharply declined. But even one case of lynching per year would be a national disgrace and Congress should therefore enact an antilynching bill to assure the protection of the Federal Government for the prevention of lynching.

The bills proposed on this subject vary considerably in details. Some of these, such as H. R. 259, give a right of civil action for damages to any person lynched or his estate, against those who, having the responsibility to do so, negligently or willfully failed to prevent the lynching. Others, such as H. R. 3304, provide for a civil action against the governmental subdivision which fails to prevent the lynching, such liability ceasing if the governmental subdivision proves that all proper efforts were made by officials to stop the lynching. Others, such as H. R. 3480, combine both features.

There is a civil liberties defect in H. R. 259 and 3304, which is found also in the omnibus civil-rights proposals. These bills make criminal mere membership in a lynch mob. This is a new twist to the idea of guilty by association, which is so foreign to our civil-liberties standards. A person who finds himself in such a mob, but does not participate in it or who would like to get out of it but cannot, is nonetheless made guilty of a serious Federal offense, merely because of his presence in the mob. It might be that the courts may read into this legislation a requirement of knowledge and intent, but this should not be left out for judicial speculation, for this section of the bill might fall if the court fails to read in such a requirement (*Weman v. Updegraff*, 344 U. S. 186). The remaining bills in this group attempt to deal with this problem by defining a lynch mob as two or more persons who knowingly act in concert. This would probably remove the constitutional objections we have raised, but it would be infinitely better if the legislation clearly spelled out that not only those persons who knowingly participate in the violence or aid or attempt to aid by action or inaction shall be criminally responsible.

While none of the bills in this group make a community liable when the community can show effectively that its officials and persons deputized by them took proper care to prevent the lynching, the omnibus bills generally do not include such a proviso. This should be changed in the omnibus bill, for, from a civil liberties point of view, a community should not be held liable for a lynching when it took all proper steps to prevent it. For the Federal Government to impose liability without fault upon a local government subdivision seems to us unconstitutional, both as a violation of the balance of the Federal and State powers and of due process of law.

IV. TO AMEND AND SUPPLEMENT CIVIL-RIGHTS STATUTES

(H. R. 3387, Barrett; H. R. 3421, Davidson; H. R. 3474, H. R. 3566, Chudoff; H. R. 3580, Diggs; H. R. 5349, Reuss)

These bills, all virtually identical, would amend and supplement the existing civil-rights statutes. Section 241 (a) of the Criminal Code (title 18 U. S. C.) now makes criminal the conspiracy of two or more persons to injure, oppress, threaten, or intimidate any citizen in the exercise or enjoyment of his constitutional rights. These bills would change the word "citizen" to the word "inhabitant," thus desirably extending the class of persons protected and making the language coincide with that of section 242. However, these bills might have the unfortunate result of narrowing the law's application instead of the intended result of extending its scope. It is conceivable that one who is a citizen but not an inhabitant of the local area, or a noncitizen and noninhabitant, might be deprived of his rights without protection. This can be remedied by using the word "person" instead of the word "citizen" or "inhabitant" (See V below.)

These bills make other valuable contributions to the law. They would make an individual guilty of criminal conduct if he performed alone acts which are criminal had he performed them in concert with another person. Thus remedies an obvious defect in the existing law, since criminal acts when performed by two people should not be considered as noncriminal because performed by one person. A violation of a constitutional right is just as much of a violation when it is done by one or two or more individuals.

These bills would also give to the person whose civil rights were violated a private right to a civil action for damages or other relief in the Federal courts. This law is needed, since such private lawsuits are not available in the present state of the law. (*Collins v. Hardyman*, 341 U. S. 631) It may be argued that since such violations of rights usually are violations of State law too, there is no need for such a provision. However, a person whose constitutional rights are violated has had Federal rights violated too, and he should be able to vindicate such Federal rights (and in a Federal forum) as well as the rights the State law gives him.

These bills would also increase the punishment for violations of civil rights when their conduct results in death or maiming. They would also add new sections defining the rights, privileges, and immunities which are protected, thus removing the objections that many have made to purported vagueness in the statute. Such additions would increase respect for the law, make protection thereunder easier, and give greater warning to individuals as to what conduct is criminal.

These bills would also strengthen protection of political rights. They would clarify the present law expressly by making criminal interference with voting, not only in general elections, but in special and primary elections as well, an important addition. They add that equal opportunity to vote shall be given without prohibited bases of race or color. Civil actions for damages are given, and this section of the law is made enforceable by the Attorney General. The prohibited conduct would be much less likely to occur if these civil remedies, easily pursued, are added to the already existent but inadequately enforceable criminal penalties.

V

(H. R. 258, Celler)

This bill recognizes the difficulties mentioned above in reference to the use of the word "inhabitant" and uses the language we suggest.

VI TO ESTABLISH A COMMISSION ON CIVIL LIBERTIES

(H. R. 3388, Barrett; H. R. 3422, Davidson; H. R. 3475, Roosevelt; H. R. 3568, Chudoff; H. R. 3579, Diggs; H. R. 3551, Reuss)

These bills would establish a Commission on Civil Rights in the executive branch of the Government whose function it would be to gather information on civil liberties, appraise governmental and private action in connection therewith, and annually report its findings and recommendations. The importance of such a Commission cannot be overemphasized. The ACLU believes that the 1948 presidentially appointed *ad hoc* Committee on Civil Rights, both through its study of civil-liberties problems and the tremendous educational value of its findings and recommendations, made an incalculable contribution to the strengthening of our constitutional guarantees of equality. There can be no doubt of the desirability of having such a Commission on a permanent basis to continue such important work.

VII. ELECTIONS

(H. R. 3390, Barrett; H. R. 3419, Davidson; H. R. 3476, Roosevelt; H. R. 3569, Chudoff; H. R. 3543, Reuss)

These bills clarify the present law by expressly making criminal interference with voting not only at general elections, but at special and primary elections as well.

It adds that equal opportunity to vote shall be given without distinction, direct or indirect, based on religion or national origin, as well as on the already prohibited basis of race or color. Distinction on the basis of previous condition of servitude is omitted, since no such distinction can exist anymore. These clarifications should be heartily applauded for they will broaden the protection of voting privileges, an integral part of the first amendment, and one of the cornerstones of our democracy.

VIII. TO REORGANIZE THE DEPARTMENT OF JUSTICE

(H. R. 3391, Barrett; H. R. 3478; H. R. 3571, Chudoff; H. R. 3583, Diggs; H. R. 3418; H. R. 5350, Reuss)

These provide for the reorganization and strengthening of the civil rights activities of the Department of Justice. The need for such a reorganization is patent to anyone with knowledge of the Department's past activities. Handicapped by insufficient funds and a scarcity of personnel, the Department has rarely been able to initiate civil rights prosecutions. The strengthening and reorganization of the Civil Right Section is long overdue.

IX. PEONAGE

(H. R. 628, Celler; H. R. 3394, Barrett; H. R. 3420, Davidson; H. R. 3481, Roosevelt; H. R. 3567, Chudoff; H. R. 3581, Diggs)

These bills would make criminal attempts to commit peonage, holding a person for peonage, and would make criminal use of other means of transportation besides vessels for purposes of peonage. The vestiges of peonage have no place in a democratic nation, and we urge the adoption of this bill to once and for all eliminate this evil.

X

(H. R. 5503, Anfuso)

This is an omnibus bill less comprehensive than any of the other, providing only for a civil rights commission, antipoll tax, antilynching and an FEPC law.

Mr. LANE. There has been received a number of departmental reports on various of the civil-rights bills we are considering which without objection, will be included in the record. The report of the General Services Administration on H. R. 389 and H. R. 702, dated May 31, 1955, appears at p. 187 of these hearings and the report of the Interstate Commerce Commission on H. R. 389, dated June 8, 1955, appears at p. 188 of these hearings. These reports were made a part of the record of these hearings by Congressman Adam C. Powell at the time he testified.

(The reports referred to are as follows:)

UNITED STATES DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, July 14, 1955.

HON. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN CELLER: This is in further response to your request for an expression of my views on H. R. 51, H. R. 389, H. R. 702, H. R. 3658, and H. R. 5503.

These are comprehensive bills that deal with all aspects of civil rights. They include provisions against discrimination and segregation in the armed services, transportation, housing, education and employment, antilynching provisions, and provisions for the protection of political rights, improvement of existing civil rights statutes, and strengthening the machinery of the Federal Government for the protection of civil rights.

I am in complete agreement with the purpose of these bills. There is no place in any part of our national life for prejudice, discrimination, or denial of rights because of race, religion, or national origin. There may be some question, however, as to whether Federal legislation on the extremely broad scale contemplated by these bills and with regard to all aspects of these problems is the most desirable approach to the elimination of the prejudice and intolerance which we know are still existent.

It should be recognized that considerable progress in this field has been made in recent years by administrative, judicial, and voluntary means. In the armed services, for example, segregation and discrimination have been effectively dealt

with by executive action to the extent that there would appear to be no necessity for the enactment of legislation in this respect.

In the field of education, decisions of the Supreme Court relating to segregation in public schools, and equal facilities in institutions of higher learning, when fully implemented, should go far toward meeting the problem. The Supreme Court's decision on the enforcement of restrictive covenants and decisions of other courts on segregation in public housing provide means whereby the problem may be met in housing. Segregation in interstate transportation is well on the way toward being outlawed by judicial action.

Through the work of the President's Committee on Government Contracts, there has been a more vigorous enforcement of the clause of Government contracts which prohibits racial and religious discrimination in employment. An important part of the Committee's program is its promotional and educational work with Government contractors and with the business community at large. Through individual and group contracts on the part of the Committee and its staff, it is bringing the moral righteousness and economic soundness of the concept of equal economic opportunity to the attention of the leaders of American business.

In brief, my position is that there has been significant progress in removing the evils of racial and religious prejudice and discrimination from some of the aspects of our lives. Much of this progress has been accomplished without reliance upon any large body of Federal statutory law. It is questionable whether every aspect of this problem would benefit by legislative action. Consideration might appropriately be given, therefore, to whether Federal legislation is necessary or desirable in all these areas at this time.

It would appear that attempting to deal with all aspects of the problems of discrimination, segregation and denial of civil rights in an omnibus fashion, such as is proposed in these bills, has limitations as a means of securing appropriate consideration of legislation in these fields. The vast scope of activities covered by them itself would prevent proper consideration of the problems present in each area and the most effective methods of dealing with them. Opposition to certain provisions could well lead to defeat of other provisions, the enactment of which might otherwise be possible. While there are provisions which, standing alone, may merit legislative approval, it would appear that administrative, judicial, and voluntary effort should be continued before an omnibus legislative approach becomes necessary.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely yours,

JAMES P. MITCHELL, *Secretary of Labor.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,

July 18, 1955.

HON. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,
House of Representatives.*

DEAR MR. CHAIRMAN: This letter is in response to your requests of February 24, 1955, for reports on H. R. 389, a bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States, and H. R. 702, a bill to protect the rights of individuals to be free from discrimination or segregation by reason of race, color, religion, or national origin.

The only portion of H. R. 389 which is of direct concern to this Department is title II, part 7, entitled "Prohibition Against Discrimination in Education." This portion of the bill would prohibit discrimination or segregation because of race, color, religion, or national origin, in any school or educational institution which receives any Federal funds or any Federal tax exemption. Complaints alleging such discrimination or segregation would be reported to the Administrator of the Federal Security Agency (the predecessor to the Secretary of Health, Education, and Welfare) who would be authorized and required to hold a hearing to determine whether a violation had occurred. Sanctions available on the establishment of a violation would include removal of the officer responsible from office, withholding of Federal loans, grants, or tax exemptions in an amount equal to 2 years' compensation of the person responsible, and criminal sanctions. Jurisdiction to prevent and restrain violations would be vested in

the United States district courts and appeal would be by petition in the United States Court of Appeals for the District of Columbia.

The only portion of H. R. 702 of direct concern to this Department is title V, entitled, "To Eliminate Segregation and Discrimination in Opportunities for Higher and Other Education." This portion of the bill would declare it to be an unfair educational practice for any educational institution of postsecondary grade to exclude, limit, or otherwise discriminate against any person seeking admission as a student because of race, religion, color, or national origin, with the exception of selection of students by a religious or denominational educational institution from among members of such religion or denomination. Any person claiming to be aggrieved by such an alleged unfair educational practice would have the right to petition the Commissioner of Education, who would be required to attempt, either by informal methods or through a formal hearing procedure, to induce the elimination of the alleged unfair educational practice. Following a determination by the Commissioner that the respondent institution had engaged in an unfair educational practice, the Commissioner would be required to issue an order terminating all programs of Federal aid of which the respondent was the beneficiary. Judicial review of the final order of the Commissioner could be obtained through the appropriate United States circuit court of appeals and the United States Supreme Court. A special provision in the bill would amend Public Laws 874 and 815 (81st Cong.), as amended, so as to prevent any payments under those acts to any local educational agency which practices discrimination or segregation among pupils or prospective pupils by reason of their race, religion, color, or national origin.

This Department is in complete accord with the general objective of these bills, namely, to strengthen protection of individual civil rights, including the right of freedom from discrimination or segregation in education because of race, color, religion, or national origin, as described in title II, part 7 of H. R. 389 and title V of H. R. 702. Substantial progress toward the elimination of discrimination and segregation in education has been made during recent months by other than legislative means, for example, through the recent Supreme Court decision and decrees declaring racial segregation in the public schools to be unconstitutional.

The Department believes that further progress toward the ultimate objective of eliminating discrimination and segregation in education can be best achieved at the present time through voluntary and administrative action, such as, for example, the recent voluntary action of several of the States in admitting Negroes to public higher educational institutions, and, in the case of the public schools, through the judicial procedure prescribed in the recent Supreme Court decrees, rather than through the enactment of compulsory, statutory requirements such as proposed in these bills.

With respect to the other portions of the bills we would defer to the views of the other Federal agencies more directly concerned.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

OVETA CULP HOBBY, *Secretary*.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, July 19, 1955.

HON. EMANUEL CELLER,

Chairman, Committee on the Judiciary, House of Representatives.

DEAR MR. CHAIRMAN: I refer to your request to the Secretary of Defense for the views of the Department of Defense with respect to H. R. 389, 84th Congress, a bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States. The Secretary of Defense has assigned to the Department of the Air Force the responsibility for providing your committee with a report on this legislation on behalf of the Secretary of Defense.

The purpose of H. R. 389, as indicated in its title, is to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States. Title I of the bill contains provisions for strengthening the Federal Government machinery for the protection of civil rights. It includes the establishment of a commission of civil rights in the executive branch of the

Government and the reorganization of civil-rights activities of the Department of Justice. Title II contains provisions for strengthening protection of individuals' rights to liberty, security, citizenship, and its privileges. It includes amendments and supplements to existing civil-rights statutes, protection of the right to political participation, protection of persons from lynching, prohibitions against discrimination or segregation in interstate transportation and in housing, and prohibitions against discrimination in employment and in education.

The question involved in H. R. 389 are matters of broad public policy not of primary concern to the Department of Defense. Therefore, the Department of the Air Force on behalf of the Department of Defense refrains from commenting on the merits of the proposed legislation.

No additional cost to the Department of Defense will result from the enactment of the proposed legislation.

This report has been coordinated within the Department of Defense in accordance with the procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

DAVID S. SMITH,
Assistant Secretary of the Air Force.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington 25, D. C., July 15, 1955.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.*

DEAR MR. CELLER: This is a further reply to your letter of February 24, 1955, which requested the views of the Civil Service Commission on H. R. 389, a bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The Civil Service Commission is primarily concerned with those portions of H. R. 389 which relate to personnel management in the Federal Government. We neither object to nor specifically endorse the provisions of the bill which concern civil rights generally. We are wholly in accord with the intent and provisions of the bill which would affect employment practices in the Federal Government and recommend their enactment with certain changes in order to clarify and further their purposes. We have also noted a few technical defects.

The major provisions of the bill which would affect personnel management in the Federal Government, or about which the Civil Service Commission has comment, include the following:

(1) Agencies and instrumentalities of the United States are included in the definition of persons and employers included in the bill. The Federal establishment would be required to refrain from unfair employment practices. These practices include discrimination in hiring, discharging, or in the terms, conditions, or privileges of employment because of an individual's race, color, religion, or national origin.

(2) In its application to the Federal Government, an employee must first exhaust all administrative remedies before coming to the proposed Fair Employment Practice Commission. Orders of the Commission relating to the Federal Government may be transmitted to the President for appropriate action. The provisions in the bill for judicial enforcement and review of the orders of the Fair Employment Practice Commission would not apply to the agencies and instrumentalities of the Federal Government.

(3) The bill provides that the Fair Employment Practice Commission may require the hiring or reinstatement of an employee with or without back pay provided that interim earnings or "the amounts earnable with reasonable diligence" shall operate to reduce back pay allowable.

(4) The bill considers as an unfair employment practice the use as sources in hiring or recruitment of employment agencies, schools, labor organizations, and other institutions which practice discrimination.

(5) The staff of the Fair Employment Practice Commission would be appointed and compensated in accordance with the Civil Service Act, rules and regulations, and the Classification Act of 1949, as amended. No such provision is made for the staff of the proposed Commission on Civil Rights.

(6) The salaries proposed for the Chairman and members of the proposed Fair Employment Practice Commission are \$20,000 and \$17,500 a year, respectively.

(7) A per diem allowance in lieu of subsistence of not more than \$10 is provided for members of the Commission on Civil Rights while engaged in the work of the Commission.

The Civil Service Rules and Regulations specifically prohibit discrimination in the competitive civil service on the grounds specified in H. R. 389. In addition, the President has established under Executive Order 10590 the President's Committee on Government Employment Policy which has the function of eliminating employment practices improperly based on race, color, religion, or national origin as well as segregation of employees on such bases. The broad purpose of H. R. 389 as it would affect Federal employment is therefore wholly in accord with the program of the President and the Civil Service Commission. Since the bill provides that administrative remedies, which would include those provided by regulations and procedures of the Civil Service Commission and of the President's Committee on Government Employment Policy, must be exhausted before any employee may seek relief from the proposed Fair Employment Practice Commission, and since compliance with the orders of that Commission would be at the discretion of the President and not judicially reviewable, there would be no conflict between the provisions of the bill and current procedures in the Federal Government designed to eliminate discrimination in employment.

Several specific provisions of H. R. 389, however, would cause problems for the Federal service. The provisions which we believe would cause difficulty and our recommended changes are as follows:

1. The provision authorizing the Fair Employment Practice Commission to order the hiring or reinstatement of an employee with or without back pay is not clear in its intent. We cannot determine from the language of the bill whether it is intended that H. R. 389 establish a new statutory authority for back pay or whether it is intended to permit back pay when a statutory authority already exists for such payment. If it establishes a statutory authority in addition to Public Law 623 of 1948 and Public Law 733 of 1950, the two existing authorities for back pay in the Federal service, it presents certain problems. It is not consistent, either in coverage or benefits, with the existing laws. Since the purpose of back-pay legislation is to correct injustices, it is essential that such authorities be consistent and uniform in their application to all employees.

Further, it is not clear whether the back pay provision refers solely to reinstatements or whether it refers both to reinstatements and to original hiring when it has been ascertained that a person was denied appointment because of an unfair employment practice. Back pay is now authorized in certain cases of reinstatement following improper demotion, suspension, furlough or separation. If back pay were to be authorized in original hirings, it would be without precedent in the Federal service. We would want to consider carefully the advisability of such a provision, including what standards should apply, before we comment on the proposal. We favor the provision of back pay in reinstatement cases. However, there would appear to be many obvious difficulties in attempting to apply this provision to the original hiring of employees.

Thus, under one interpretation, the proposed back pay provision would be inconsistent with existing legislation, and under the other interpretation it would be unnecessary. Accordingly, we recommend that the Federal Government be exempted from the back pay provisions of H. R. 389.

2. The provision which would require deduction from back pay of "the amounts earnable with reasonable diligence" will also cause difficulty. This term would require judicial interpretation but judicial review is not provided for in cases involving Federal employees. Current laws cited above authorizing back pay in the Federal Government, provide that amounts earned during periods of improper separation shall be deducted from the amount of back pay, but no provision is made for offset of amounts not actually earned. It would be extremely difficult to determine what this amount should be. Amendment of the bill to exempt the Federal Government from the back pay provisions will also eliminate this problem.

3. The bill provides that it shall be an unlawful employment practice to use, as a source of recruiting and hiring, certain institutions which discriminate against individuals because of their race, religion, or national origin. We believe that this provision may lead to discrimination rather than eliminate it.

We are concerned about the effect of this provision on Federal hiring practices. The bill could be interpreted as restricting the Federal service from using as recruiting sources schools or other institutions which may be established on a

sectarian or racial basis. The Civil Service Commission and its boards of examiners use all appropriate sources in recruiting for Federal employment. In our opinion, discrimination does not occur when such institutions are used in recruiting so long as recruitment is not restricted to these sources. We believe that this provision would operate in a manner which would actually be contrary to the broad intent of H. R. 389. We recommend, therefore, that the Federal Government be exempted from application of this provision.

4. The bill specifies that the staff of the Fair Employment Practice Commission shall be appointed in accordance with the Civil Service Act, Rules and Regulations, and compensated in accordance with the Classification Act of 1949, as amended. It does not do so for the staff of the proposed Commission on Civil Rights. Ordinarily, Federal employment is presumed to be under the civil-service laws, and compensation under the Classification Act unless a specific statutory exception is made. In view of the fact that specific provision is made in one case but not in the other, however, there may be a problem of interpretation. We recommend, therefore, that the bill be amended to state specifically that employment and compensation of the staff of the Commission on Civil Rights will be subject to the Civil Service Act, Rules and Regulations and to the Classification Act of 1949, as amended.

5. The bill provides salaries of \$20,000 a year and \$17,500 a year for the chairman and members of the proposed Fair Employment Practice Commission respectively. These recommended salaries should be reviewed and adjusted proportionately if Congress adjusts the salaries for executives paid in accordance with the Executive Pay Act, Public Law 359, 81st Congress.

6. The bill provides that the members of the Commission on Civil Rights shall receive \$50 per day for each day spent in the work of the Commission, plus actual and necessary traveling or subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of \$10). To bring the per diem allowance rate in line with per diem allowances for other personnel in the executive branch, we recommend that the rate provided be "as authorized by law" rather than "not in excess of \$10."

As we stated earlier, we have noted certain technical defects which are not concerned with the substance of the bill. These defects are as follows.

1. Title II, part 5, of the bill, page 23, beginning on line 17, provides that the President shall designate a member of the Fair Employment Practice Commission as vice chairman, but does not provide for designation of a chairman.

2. The provisions with regard to State and local governments appear inconsistent and in conflict. These governments are excluded from the definition of "employer" in title II, part 5, of the bill, page 25, beginning on line 1. However, the provision of this title on page 41, beginning with line 16, provides that the Fair Employment Practice Commission may act against any State or local government of any agency, officer, or employer thereof who commits an unfair labor practice as described in this bill, provided that a State or local government employee must first exhaust the administrative remedies prescribed by government.

3. The heading appearing on page 41, lines 3 and 4, "Enforcement of Orders Directed to Government agencies and Contractors." Since provisions directed to Government contractors are not included in the section under this heading, it appears to be in error.

4. Section 242 provides that title 41, United States Code, section 34 be amended to include a new subdivision (f). Apparently reference to section 35 rather than to 34 was intended.

5. Title II, part 5, section 241 of the bill provides that title 29, United States Code, is amended by adding as chapter 9 thereof, legislation to be known as the Federal Fair Employment Practice Act. Since chapter 9 of title 29 is already in existence a correction in chapter numbering appears to be required in the bill.

We are advised that the Bureau of the Budget has no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

PHILIP YOUNG, *Chairman.*

INTERSTATE COMMERCE COMMISSION,
Washington, April 11, 1955.

Hon EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D C*

DEAR CHAIRMAN CELLER: Your letter of February 25, 1955, requesting an expression of the Commission's view on a bill, H R. 627, introduced by you, to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States, has been referred to our Committee on Legislation. After careful consideration by that committee, I am authorized to submit the following comments in its behalf:

As stated in its title, the purpose of H R. 627 is to provide means of further securing and protecting civil rights. The bill is divided into two major divisions, title I and title II, each of which, in turn, is subdivided into three parts. Title I contains provisions designed to strengthen the Federal Government machinery for the protection of civil rights by providing for the establishment of a Commission on Civil Rights in the executive branch of the Government under the provisions of part 1 thereof, by providing for the establishment of a Civil Rights Division in the Department of Justice under the provisions of part 2, and by providing for establishment of a joint congressional committee on Civil Rights under part 3. Title II of the bill contains provisions which are intended to strengthen the protection of an individual's rights to liberty, security, and citizenship and its privileges, and to that end part 1 thereof would amend and supplement the existing civil-rights statutes. Part 2 would amend and supplement the existing Federal statutes relating to intimidation of voters and the right to vote, and part 3 would prohibit discrimination or segregation in interstate transportation.

Most of the provisions of H R. 627 do not pertain to the jurisdiction or functions of this Commission, but relate to matters upon which we are not qualified to express a helpful opinion based on our experience in the regulation of transportation. Our comments, therefore, shall be confined, for the most part, to those provisions relating to transportation.

Under the provisions of section 103 (a) of the bill, the Commission on Civil Rights, which would be created under the provisions of section 101, would be authorized to utilize to the fullest extent possible, the services, facilities, and information of other Government agencies, and the agencies would be directed to cooperate fully with the new Commission in this connection. While we have no objection to such a provision, we wish to point out, as we have previously done with respect to similar provisions in other proposed legislation, such as that proposing the establishment of a Commission on Area Problems of the Greater Washington Area, that this Commission would not be in a position with its present staff and without additional funds, to furnish an unlimited amount of information, or to place its facilities and services at the unlimited disposal of the new Commission.

Section 211, part 3, title II, of the bill provides that all travelers "shall be entitled to the full and equal enjoyment of the accommodations, advantages, and privileges of any public conveyance operated by a common carrier engaged in interstate or foreign commerce, and all the facilities furnished or connected therewith, * * * without discrimination or segregation based on race, color, religion, or national origin." Subsection (b) of section 221 would make it a misdemeanor for anyone, whether acting in a private, public, or official capacity, to deny or attempt to deny any traveler such accommodations, advantages, or privileges for any such reason, or to incite or participate in such denial or attempt, and provides penalties therefor and other relief. Section 222 would similarly make it a misdemeanor for any such common carrier, or any of its officers, agents, or employees to segregate or attempt to segregate or otherwise discriminate against passengers using any of its public conveyances or facilities on account of race, color, religion, or national origin, and would likewise provide penalties and other relief for violations.

Under section 3 (1) of the Interstate Commerce Act, it is now unlawful "for any common carrier * * * to make, give, or cause any undue or unreasonable preference or advantage to any particular person * * * or to subject any particular person * * * to any undue or unreasonable prejudice or disadvantage in any respect whatsoever." This provision relates principally to rail carriers. There are similar provisions in other parts of the act applicable to motor and water carriers and freight forwarders.

Soon after the Interstate Commerce Commission was established in 1887, it was called upon to decide whether the provision above quoted prohibited the railroads in certain sections of the country from requiring that Negro and white passengers occupy separate coaches and other facilities, as they were compelled to do by statutes in a number of States. In all such cases, which have become increasingly numerous and complicated in recent years, the Commission has limited its inquiry to the question whether equal accommodations and facilities are provided for members of the two races, adhering to the view that the Interstate Commerce Act neither requires nor prohibits segregation of the races.

In *Plessy v. Ferguson* (163 U. S. 537 (1896)), the Supreme Court of the United States held that a Louisiana statute requiring railroads carrying passengers in their coaches in that State to provide equal, but separate accommodations for white and colored races in the form of separate or divided coaches was not in conflict with the provisions of either the 13th or the 14th amendment to the Constitution of the United States. The Court concluded (pp. 550-551):

"* * * we cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable, or more obnoxious to the 14th amendment than the acts of Congress requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned, or the corresponding acts of State legislatures."

Earlier in that decision the Court had stated (p. 544):

"* * * Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the State legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which has been held to be a valid exercise of the legislative power even by courts of States where the political rights of the colored races have been longest and most earnestly enforced."

In the recent decision of *Brown v. Board of Education* (347 U. S. 483 (1954)) and the related cases decided in the consolidated opinion of May 17, 1954, the Supreme Court quoted with approval the language of the Kansas District Court as follows:

"Segregation of white and colored children in public schools has a detrimental effect upon the colored children. This impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. * * *"

The Court went on to say:

"Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority. Any language in *Plessy v. Ferguson* contrary to this finding is rejected.

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

In Docket No. 31423, *National Association for the Advancement of Colored People, et al., v. St. Louis-San Francisco Railway Company, et al.*, which is now pending before the Commission, we are asked to rule whether the provision of separate but equal transportation facilities violates section 3 of the Interstate Commerce Act or the Constitution, and in Docket No. MC-C-1564, *Sarah Keys v. Carolina Coach Co.*, which is also pending before the Commission, we are asked to rule whether such provision violates section 216 (d) of the act.

In view of the pendency of the above-mentioned proceedings, we believe it would be inappropriate for us to express any opinion in regard to the provisions of sections 221 and 222 of the bill.

Respectfully submitted.

RICHARD F. MITCHELL,
Chairman, Committee on Legislation.
OWEN CLARKE,
HOWARD G. FREAS.

APRIL 20, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 628) to amend sections 1581, 1583, and 1584 of title 18, United States Code, so as to prohibit attempts to commit the offenses therein proscribed.

The bill would amend sections 1581, 1583, and 1584 of title 18 of the United States Code, the provisions of law which relate to peonage and involuntary servitude, so as to make criminal all attempts to commit the acts prescribed by such sections.

The proposal to amend section 1583 would also make the section applicable not only to the enticement of persons to go on board a "vessel" with the intent that such persons be made slaves but to similar enticement to go on board any other means of transportation.

The Department of Justice would have no objection to the enactment of this legislation.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

VETERANS' ADMINISTRATION,
July 18, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CELLER: This is in further reply to your request for a report on H. R. 702, 84th Congress, a bill to protect the right of individuals to be free from discrimination or segregation by reason of race, color, religion, or national origin.

Title V of the bill, which relates to discrimination in opportunities for higher and other education, and title VII of the bill, which relates to discrimination in housing, are pertinent to the Veterans' Administration.

The general purpose of title V is to eliminate segregation and discrimination in opportunities for higher and other education. Section 506 (i) provides:

"If, upon all the evidence, the Commissioner shall determine that the respondent has engaged in an unfair educational practice, the Commissioner shall state his findings of fact and conclusions and shall issue and cause to be served upon such respondent a copy of such findings and conclusions and an order terminating, at the conclusion of the applicable school year, all programs of Federal aid of which such respondent is the beneficiary."

The term "Federal aid" is not defined in title V of the bill. However, the term "Federal aid," when applied to education, is generally construed to apply to the Federal-aid programs administered by the Commissioner of Education. Accordingly, it is assumed that such words, as used in the bill, refer to the programs under the jurisdiction of the Commissioner rather than the programs of education and training under the jurisdiction of the Veterans' Administration.

The Veterans' Administration is mainly concerned with the veteran and not with any benefits which might flow to schools and others. This principle was emphasized when Public Law 550, 82d Congress, was enacted. Public Law 550 provided for direct payments to the veteran, thereby enabling the veteran to deal with the school on the same basis as any other student who is not in receipt of Federal aid. Records show that payments are made to veterans pursuing programs of education or training without any distinction being made as to race, color, religion, or national origin. There is apparently no restriction in the bill which would prohibit the Veterans' Administration from making payments to educational institutions to cover the costs of tuition, fees, books, supplies, and other items for veterans enrolled under Public Law 16, 78th Congress, as amended; Public Law 346, 78th Congress, as amended; or Public Law 894, 81st Congress, as amended. It is not believed that enactment of the bill, in its present form, would require any material change in the education or training programs administered by the Veterans' Administration or cause any material change in the cost of the Veterans' Administration programs.

The general purpose of title VII of the bill is to prohibit segregation and discrimination in housing because of race, religion, color, or national origin.

Section 701 (1) would have the effect of requiring a veteran who obtains a Veterans' Administration guaranteed or insured loan to certify that in selecting a purchaser or tenant for the property he will not discriminate against any prospective purchaser or tenant by reason of race, color, religion, or national origin and that he will not sell the property "while the insurance is in effect" unless the purchaser files a similar certificate with the Veterans' Administration. As a technical point, the quoted language specifies only "insurance," although the bill undoubtedly is intended to cover guaranteed loans as well.

Section 701 (1) deals specifically with conveyances which occur after the loan is guaranteed or insured. In the case of the Veterans' Administration, it would require the veteran to certify that he would not discriminate in the event that at some future date he decides to sell or rent the property. It has no reference to requiring the builder or other seller to hold the units open to sale to any qualified purchaser in connection with guaranteeing or insuring the loan initially. This would, of course, be of considerable importance in respect to the dual commitment procedure of the Federal Housing Administration, since in such cases the mortgage is insured with the builder as the mortgagor.

The bill, as drafted, would require the certification of the veteran and the veteran's immediate grantee. It would not be applicable in respect to any remote grantees who may acquire the property from the immediate transferee of the veteran. There is no indication of what the consequences would be in the event the veteran sells the property but his purchaser fails to file the required certificate with the Veterans' Administration. If the guaranty should terminate it would be self-evident that lenders would discontinue participation in the program, since the guaranty might be impaired by reason of the veteran's action in a situation over which the lender has no control. Perhaps it would be provided that this would constitute an act of default, and unless the purchaser filed the required certificate foreclosure action would be undertaken. The question of whether the veteran did or did not discriminate in the sale of a unit also may be quite difficult to resolve, and the consequences are uncertain.

The bill, as drafted, would not affect direct loans made by the Veterans' Administration, nor would it be applicable in the case of vendee accounts where an acquired property is sold on credit terms.

Section 701 (2) of the bill would affect the Veterans' Administration, since it provides that in the administration of the Servicemen's Readjustment Act of 1944, as amended (*inter alia*), it shall be the policy of the United States that "there shall be no discrimination affecting any tenant, owner, borrower, or recipient or beneficiary of a mortgage guaranty by reason of race, color, religion, or national origin, or segregation by virtue thereof." It will be noted that at this point the reference is solely to "guaranty," although by clear implication it is intended that insured loans be covered as well. However, the effect of the proposed amendment is not clearly evident. The principal question is whether this provision would require a builder or other seller to sell the units to any qualified purchaser on the so-called open-occupancy basis. It would not appear that guaranty or insurance would be denied to veterans proposing to buy such units if the "open occupancy" practice is not being followed. Nevertheless, it would be difficult to determine the precise effect of such a provision, and clarification would be highly desirable. This section also omits any reference to Veterans' Administration direct loans.

The bill covers many areas in addition to those discussed herein. While it is the policy of the Veterans' Administration to avoid discrimination by reason of race, color, religion, or national origin, and this policy is adhered to in the various programs under its jurisdiction to the extent of its legal power, it is my thought that the Veterans' Administration is not in a position to express a fully informed view on the many broad aspects of the bill. Hence, comment is confined to those matters which would affect directly certain operations of the Veterans' Administration.

The Veterans' Administration does not have sufficient information on which to estimate the cost of the bill, if enacted.

Advice has been received from the Bureau of the Budget that there would be no objection to the submission of this report to the committee.

Sincerely yours,

Deputy Administrator

(For and in the absence of H. V. Higley, Administrator).

INTERSTATE COMMERCE COMMISSION,
Washington 25, June 15, 1955.

Hon EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D C

DEAR CHAIRMAN CELLER: Your letter of February 25, 1955, requesting an expression of the Commission's views on a bill, H R. 702, introduced by Congressman Rodino, to protect the right of individuals to be free from discrimination or segregation by reason of race, color, religion, or national origin, has been referred to our Committee on Legislation. After careful consideration by that committee, I am authorized to submit the following comments in its behalf:

The purpose of H R 702, which is divided into eight major parts, titles I through VIII, is clearly stated in its heading. Many of its provisions, however, do not pertain to the jurisdiction or functions of this Commission, but relate to matters on which we are not qualified to express a helpful opinion based on our experience in the regulation of transportation. Our comments, therefore, shall be confined to those provisions which relate to transportation or are otherwise applicable to the Commission.

Section 107 of title I of the bill would extend the provisions of the Federal kidnapping laws to include the transportation in interstate or foreign commerce of any person unlawfully abducted and held for purposes of punishment, correction, or intimidation. We wish to point out in this connection that statutes of this nature usually contain provisions relieving interstate carriers of liability thereunder unless they knowingly engage in the act or acts declared to be unlawful. It is therefore suggested that provision for such relief be included in section 107. This could be accomplished by amending the section to read substantially as follows:

"Sec. 107 The crime defined in and punishable under the act of June 22, 1932 (47 Stat 326), as amended by the act of May 18, 1934 (48 Stat 781), shall include *knowingly transporting* in interstate or foreign commerce any person unlawfully abducted and held for purposes of punishment, correction, or intimidation." [Substantial changes in language in *italic*.]

Section 221 (a) of title II provides that all travelers "shall be entitled to the full and equal enjoyment of the accommodations, advantages, and privileges of any public conveyance operated by a common carrier engaged in interstate or foreign commerce, and all the facilities furnished or connected therewith, * * * without discrimination or segregation based on race, color, religion, or national origin." Subsection (b) of section 221 would make it a misdemeanor for anyone, whether acting in a private, public, or official capacity, to deny or attempt to deny any traveler such accommodations, advantages, or privileges for any such reason, or to incite or participate in such denial or attempt, and provides penalties therefor and other relief. Section 222 would similarly make it a misdemeanor for any such common carrier, or any of its officers, agents, or employees to segregate or attempt to segregate or otherwise discriminate against passengers using any of its public conveyances or facilities on account of race, color, religion, or national origin, and would likewise provide penalties and other relief for violations.

Under section 3 (1) of the Interstate Commerce Act, it is now unlawful "for any common carrier * * * to make, give, or cause any undue or unreasonable preference or advantage to any particular person * * * or to subject any particular person * * * to any undue or unreasonable prejudice or disadvantage in any respect whatsoever." This provision relates principally to rail carriers. There are similar provisions in other parts of the act applicable to motor and water carriers and freight forwarders.

Soon after the Interstate Commerce Commission was established in 1887, it was called upon to decide whether the provision above quoted prohibited the railroads in certain sections of the country from requiring that Negro and white passengers occupy separate coaches and other facilities, as they were compelled to do by statutes in a number of States. In all such cases, which have become increasingly numerous and complicated in recent years, the Commission has limited its inquiry to the question whether equal accommodations and facilities are provided for members of the two races, adhering to the view that the Interstate Commerce Act neither requires nor prohibits segregation of the races.

In *Plessy v Ferguson* (163 U. S. 537 (1896)), the Supreme Court of the United States held that a Louisiana statute requiring railroads carrying pas-

sengers in their coaches in that State to provide equal, but separate accommodations for white and colored races in the form of separate or divided coaches was not in conflict with the provisions of either the 13th or the 14th amendment to the Constitution of the United States. The Court concluded (pp. 550-551):

"* * * we cannot say that a law which authorizes or even requires the separation of the 2 races in public conveyances is unreasonable, or more obnoxious to the 14th amendment than the acts of Congress requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned, or the corresponding acts of State legislatures."

Earlier in that decision the Court had stated (p. 544):

"* * * Laws permitting, and even requiring their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally if not universally, recognized as within the competency of the State legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which has been held to be a valid exercise of the legislative power even by courts of States where the political rights of the colored races have been longest and most earnestly enforced."

In the recent decision of *Brown v. Board of Education* (347 U. S. 343 (1954)), and the related cases decided in the consolidated opinion of May 17, 1954, the Supreme Court quoted with approval the language of the Kansas District Court as follows:

"Segregation of white and colored children in public schools has a detrimental effect upon the colored children. This impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. * * *"

The Court went on to say:

"Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority. Any language in *Plessy v. Ferguson* contrary to this finding is rejected.

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

In Docket No. 31423, *National Association for the Advancement of Colored People et al. v. St. Louis-San Francisco Railway Company et al.*, which is now pending before the Commission, we are asked to rule whether the provision of separate but equal transportation facilities violates section 3 of the Interstate Commerce Act or the Constitution, and in Docket No. MC-C-1564, *Sarah Keys v. Carolina Coach Co.*, which is also pending before the Commission, we are asked to rule whether such provision violates section 216 (d) of the act.

In view of the pendency of the above-mentioned proceedings, we believe it would be inappropriate for us to express any opinion in regard to the provisions of sections 221 and 222 of title II.

Section 301 of the bill provides that title III thereof shall be known as the National Act Against Discrimination in Employment, and under the provisions of section 305 it would be an unlawful employment practice for any employer as defined in section 303, including any agency or instrumentality of the United States, to refuse to hire, to discharge, or otherwise discriminate against any individual respecting the terms, conditions, or privileges of his employment because of his race, religion, color, national origin, or ancestry, or to utilize in the hiring or recruitment of individuals for employment, any employment agency, placement service, training school or center, labor organization, or any other source which so discriminates against individuals. Subsection (c) of section 305 would also make it an unlawful employment practice for any employer or labor organization to discharge, expel, or otherwise discriminate against any person because of his opposition to any unlawful employment practice or because of his filing a charge, testifying, participating, or assisting in any proceeding under the proposed act.

We wish to state in this connection that it is the policy of this Commission to appoint the most qualified persons available to fill all vacancies regardless of race, color, creed, or ancestry, and promotions are made on the same basis. The Commission would not consider separating an employee from the service for any reason except for such cause as would promote the efficiency of the service, or

in an orderly reduction in force where retention rights are determined by length of service, permanent status, veteran's preference, or other legitimate factors.

Section 306 of title III would create a new commission, to be known as the National Commission Against Discrimination in Employment, composed of seven members to be appointed by the President with the advice and consent of the Senate. The principal office of the new commission would be located in the District of Columbia, but the commission would be authorized to meet or exercise any or all of its powers at any other place. It would also have the power to establish such regional offices as it may deem necessary. In addition, the commission or an one or more of its members or agents would have authority to conduct such investigations, proceedings, or hearings as would be necessary in the performance of its functions anywhere in the United States, except that any such agent, other than a member of the commission, would be required to be a resident of the judicial circuit in which the alleged unlawful employment practice occurred.

The powers and duties of the new Commission, the rights of the parties, and the procedures to be followed upon the filing of a sworn or written charge alleging unlawful employment practices are described in detail in sections 306 through 309. Provision is also made therein for judicial review of the Commission's orders, including enforcement thereof and other relief, and the procedure to be followed by the courts in such cases. Section 310 provides, however, that the provisions of section 308 respecting judicial review of the Commission's orders shall not apply to an order of the Commission directed to any agency or instrumentality of the United States or of any Territory or possession thereof, or any officer or employee thereof. It provides, instead, that the Commission may request the President to take such action as he may deem appropriate to obtain compliance with such order.

The civilian employment practices of this Commission and other Federal departments and agencies are now governed in this respect by the provisions of Executive Order No. 10590, dated January 18, 1955 (which established the President's Committee on Government Employment Policy), and regulations issued pursuant thereto. Prior to that time the departments and agencies were governed by the provisions of Executive Order No. 9980, dated July 26, 1948 (which provided for the establishment of the former Fair Employment Board in the Civil Service Commission), and the regulations issued thereunder. Whether or not the provisions of title III of the bill should be made applicable to the Federal departments and agencies, in addition to the Executive order now in force, is a matter of broad congressional policy on which we take no position.

Section 310 also provides that the President shall have the power to provide for the establishment of rules and regulations to prevent the committing or continuing of any unlawful employment practice as defined in the proposed act by any person making a contract with any agency or instrumentality of the United States (except any State or political subdivision thereof) or any Territory or possession of the United States, which contract requires the employment of at least 50 individuals, and that such rules and regulations shall be enforced by the new Commission. This proposal also involves a matter of broad congressional policy on which we take no position.

Section 311 would require the posting of notices by employers and labor organizations setting forth excerpts from the proposed act and other relevant information, and provides penalties for willful violations. Section 312 provides that nothing in the proposed act shall be construed as repealing or modifying any Federal or State law creating special rights or preference for veterans, and section 313 would grant the new Commission authority to issue, amend, or rescind suitable regulations for carrying out the provisions of the proposed act. Under the provisions of section 314 anyone forcibly resisting, opposing, impeding, intimidating, or interfering with a member, agent, or employee of the Commission in the performance of his duties, or because of such performance, would be subject to a fine of not more than \$500 or imprisonment for 1 year, or both.

Under the provisions of section 803 (a) of the bill, the Commission on Civil Rights, which would be created under the provisions of section 801, would be authorized to utilize to the fullest extent possible, the services, facilities, and information of other Government agencies, and the agencies would be directed to cooperate fully with the new Commission in this connection. While we have no objection to such a provision, we wish to point out, as we have previously done with respect to similar provisions in other proposed legislation, such as that proposing the establishment of a commission on area problems of the Greater Washington area, that this Commission would not be in a position with its

present staff and without additional funds, to furnish an unlimited amount of information, or to place its facilities and services at the unlimited disposal of the new Commission.

The other provisions of H. R. 702 do not pertain to the jurisdiction or functions of this Commission and for that reason we are not in a position, as hereinbefore stated, to offer any helpful suggestions or comments with respect thereto.

Respectfully submitted.

RICHARD F. MITCHELL,
Chairman, Committee on Legislation.
OWEN CLARKE.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, June 27, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: I refer to your request to the Secretary of Defense for the views of the Department of Defense with respect to H. R. 702, 84th Congress, a bill to protect the right of individuals to be free from discrimination or segregation by reason of race, color, religion, or national origin. The Secretary of Defense has assigned to the Department of the Air Force the responsibility for providing your committee with a report on this legislation on behalf of the Department of Defense.

The purpose of H. R. 702, as indicated in its title, is to protect the right of individuals to be free from discrimination or segregation by reason of race, color, religion, or national origin. Title I contains provisions for the better assurance of the protection of the citizens of the United States and other persons within the several States from mob violence and lynching, and for other purposes. Title II contains provisions to strengthen the protection of the individuals' rights to liberty, security, citizenship and its privileges. Title III prohibits discrimination in employment because of race, religion, color, national origin or ancestry. Title IV prohibits discrimination or segregation in the armed services. Title V eliminates segregation and discrimination in opportunities for higher and other education. Title VI makes unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers. Title VII prohibits segregation and discrimination in housing because of race, religion, color, or national origin, and title VIII establishes a Commission on Civil Rights in the executive branch of the Government.

With the exception of title IV, the questions involved in H. R. 702 are matters of broad public policy not of a primary concern to the Department of Defense. Therefore, the Department of the Air Force, on behalf of the Department of Defense, refrains from commenting on the merits of the proposed legislation.

With regard to title IV of H. R. 702, Executive Order 9981, July 26, 1948, declared it to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion, or national origin and directed that this "policy shall be put into effect as rapidly as possible having due regard to the time required to effectuate any necessary changes without impairing efficiency or morale."

The Department of Defense has taken steps to assure compliance with Executive Order No. 9981 and it is the approved policy of the Department of Defense to provide equality of treatment and opportunity for all members of the Armed Forces. In view of the foregoing, it is believed that the enactment of title IV, H. R. 702, is unnecessary.

No additional cost to the Department of Defense will result from the enactment of the proposed legislation.

This report has been coordinated within the Department of Defense in accordance with the procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

DAVID S. SMITH,
Assistant Secretary of the Air Force.

APRIL 11, 1955

HON. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,**House of Representatives, Washington, D. C.*

DEAR CHAIRMAN CELLER: Your letter of February 25, 1955, requesting an expression of the Commission's views on a bill, H. R. 3585, introduced by Congressman Diggs, to protect the civil rights of individuals by establishing a Commission on Civil Rights in the executive branch of the Government, a Civil Rights Division in the Department of Justice, and a Joint Congressional Committee on Civil Rights, to strengthen the criminal laws protecting the civil rights of individuals, and for other purposes, has been referred to our committee on legislation. After careful consideration by that committee, I am authorized to submit the following comments in its behalf:

The purpose of H. R. 3585 is clearly indicated in its title, as quoted above. Most of its provisions do not pertain to the jurisdiction or functions of this Commission, but relate to matters upon which we are not qualified to express a helpful opinion based on our experience in the regulation of transportation. Our comments, therefore, shall be confined largely to those provisions which relate to transportation.

Section 102, title I, of the bill provides for the creation of a Commission on Civil Rights and, under the provisions of section 104 (a) thereof, the new commission would be authorized to utilize to the fullest extent possible, the services, facilities, and information of other Government agencies, and the agencies would be directed to cooperate fully with the new commission in this connection. While we have no objection to such a provision, we wish to point out, as we have previously done with respect to similar provisions in other proposed legislation, such as that proposing the establishment of a Commission on Area Problems of the Greater Washington Area, that this Commission would not be in a position, with its present staff and without additional funds, to furnish an unlimited amount of information, or to place its facilities and services at the unlimited disposal of the new commission.

Section 701 (a), title VII, of H. R. 3585 provides that all travelers "shall be entitled to the full and enjoyment of the accommodations, advantages, and privileges of any public conveyance operated by a common carrier engaged in interstate or foreign commerce, and all the facilities furnished or connected therewith * * * without discrimination or segregation based on race, color, religion, or national origin." Subsection (b) of section 701 would make it a misdemeanor for anyone, whether acting in a private, public, or official capacity, to deny or attempt to deny any traveler such accommodations, advantages, or privileges for any such reason, or to incite or participate in such denial or attempt, and provides penalties therefor, and other relief. Section 702 would similarly make it a misdemeanor for any such common carrier, or any officer, agent, or employee thereof to segregate or attempt to segregate or otherwise discriminate against passengers using any of its public conveyances or facilities on account of race, color, religion, or national origin, and would likewise provide penalties and other relief for violations.

Under section 3 (1) of the Interstate Commerce Act, it is now unlawful "for any common carrier * * * to make, give, or cause any undue or unreasonable preference or advantage to any particular person * * * or to subject any particular person * * * to any undue or unreasonable prejudice or disadvantage in any respect whatsoever." This provision relates principally to rail carriers. There are similar provisions in other parts of the act applicable to motor and water carriers and freight forwarders.

Soon after the Interstate Commerce Commission was established in 1887, it was called upon to decide whether the provision above quoted prohibited the railroads in certain sections of the country from requiring that Negro and white passengers occupy separate coaches and other facilities, as they were compelled to do by statutes in a number of States. In all such cases, which have become increasingly numerous and complicated in recent years, the Commission has limited its inquiry to the question whether equal accommodations and facilities are provided for members of the two races, adhering to the view that the Interstate Commerce Act neither requires nor prohibits segregation of the races.

In *Plessy v. Ferguson* (163 U. S. 537 (1896)), the Supreme Court of the United States held that a Louisiana statute requiring railroads carrying passengers in their coaches in that State to provide equal, but separate, accommodations for the white and colored races in the form of separate or divided coaches was not in

conflict with the provisions of either the 13th or the 14th amendment to the Constitution of the United States. The Court concluded (pp. 550-551):

"* * * we cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable, or more obnoxious to the 14th amendment than the acts of Congress requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned, or the corresponding acts of State legislatures"

Earlier in that decision the Court had stated (p. 544):

"* * * Laws permitting, and even requiring their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally if not universally, recognized as within the competency of the State legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which has been held to be a valid exercise of the legislative power even by courts of States where the political rights of the colored race have been longest and most earnestly enforced"

In the recent decision of *Brown v. Board of Education* (347 U. S. 343 (1954)) and the related cases decided in the consolidated opinion of May 17, 1954, the Supreme Court quoted with approval the language of the Kansas district court as follows.

"Segregation of white and colored children in public schools has a detrimental effect upon the colored children. This impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn * * *."

The court went on to say:

"Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority. Any language in *Plessy v. Ferguson* contrary to this finding is rejected.

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal"

In Docket No. 31423, *National Association for the Advancement of Colored People et al v. St. Louis-San Francisco Railway Company et al.*, which is now pending before the Commission, we are asked to rule whether the provision of separate but equal transportation facilities violates section 3 of the Interstate Commerce Act or the Constitution, and in Docket No. MC-C-1564, *Sarah Keys v. Carolina Coach Co.*, which is also pending before the Commission, we are asked to rule whether such provision violates section 216 (d) of the act.

In view of the pendency of the above-mentioned proceedings, we believe it would be inappropriate for us to express any opinion in regard to the provisions of sections 701 or 702 of the bill.

Respectfully submitted

RICHARD F. MITCHELL,
Chairman, Committee on Legislation.

OWEN CLARKE.

HOWARD G. FREAS.

Mr. LANE. Now, is there any other witness who wishes to be heard on any of these bills? Are there any others present who would like to say anything on the bills which we are considering? If not, then, we will declare the hearings closed on all of these civil-rights bills, and we appreciate the attendance of all of these witnesses who have been kind enough and cooperative enough to submit statements to us and to testify before this committee.

(Thereupon, at 3:35 p. m., the subcommittee adjourned subject to the call of the Chair.)